

CA2ALAL6
577
1949

ALBERTA LEGISLATURE LIBRARY



3 3398 00461 4086

SYNOPSIS of STATUTES of
GENERAL APPLICATION

February 17 - March 29

1949

LIBRARY
VAULT 19



Digitized by the Internet Archive
in 2022 with funding from

Legislative Assembly of Alberta - Alberta Legislature Library

Alberta. Laws, Statutes, etc.

PROVINCE OF ALBERTA



Synopsis of Statutes of General Application

ENACTED AT THE
FIRST SESSION
OF THE
ELEVENTH LEGISLATURE

**February 17th to March 29th
1949**

Prepared by
KENNETH A. MCKENZIE,
Acting Legislative Counsel and
Law Clerk

— and —

Published by Order of the
Legislative Assembly of Alberta

EDMONTON:
A. Shnitka, King's Printer
1949

PROVINCE OF ALBERTA

HIS HONOUR JOHN C. BOWEN,
Lieutenant Governor

MEMBERS OF THE EXECUTIVE COUNCIL

HON. ERNEST C. MANNING
Premier and Provincial Treasurer

HON. DR. W. W. CROSS,
*Minister of Health and
Minister of Public Welfare*

HON. D. B. MACMILLAN,
*Minister of Public Works and
Minister of Railways and Telephones*

HON. N. E. TANNER,
*Minister of Lands and Forests and
Minister of Mines and Minerals*

HON. LUCIEN MAYNARD,
Attorney General

HON. A. J. HOOKE,
Minister of Economic Affairs

HON. C. E. GERHART,
*Minister of Municipal Affairs and
Provincial Secretary*

HON. I. CASEY,
Minister of Education

HON. DR. J. L. ROBINSON,
Minister of Industries and Labour

HON. D. A. URE,
*Minister of Agriculture and
Minister of Water Resources and Irrigation*

HON. PETER DAWSON,
Speaker

ROBERT A. ANDISON,
*Clerk of the Legislature,
Clerk of the Executive Council*

INDEX

	Page
Agricultural Pests Act Amendment Act..	5
Agricultural Products Marketing Act.....	5
Agricultural Service Board Act Amend- ment Act.....	6
Agricultural Societies Act Amendment Act	7
Alberta Corporation Income Tax Act Amendment Act.....	8
Alberta Corporation Income Tax Act, 1949	10
Alberta Government Purchasing Agency Act Amendment Act.....	12
Alberta Insurance Act Amendment Act.....	13
Alberta Land Surveyors Act Amendment Act	14
Alberta Live Stock and Live Stock Products Act Amendment Act.....	15
Alberta Marketing Act Amendment Act....	15
Alberta Municipal Assessment Commis- sion Act Amendment Act.....	17
Amusements Act Amendment Act.....	18
Appropriation Act, 1949.....	19
Assessment Act Amendment Act.....	19
Associated Hospitals of Alberta, An Act to Incorporate The, Amendment Act.....	24
Atlantic Claims Act.....	24
Boilers Act Amendment Act.....	26
Bureau of Public Welfare Act Amendment Act	26
Change of Name Act Amendment Act.....	27
Child Welfare Act Amendment Act.....	27
Chiropractic Act, 1945, Amendment Act....	31
Coal Branch Hospital District Act Amend- ment Act.....	33
Coal Mines Regulations Act Amendment Act	34
Coarse Grain Marketing Control Act.....	35
Companies Act Amendment Act.....	36
Co-operative Marketing Associations Guarantee Act.....	36
Corporations Taxation Act Amendment Act	27
Crown Cultivation Leases Act Amendment Act	37
Crown Property Municipal Grants Act.....	38
Cultural Development Act Amendment Act	39
Defamation Act Amendment Act.....	39
Department of Education Act Amendment Act	41
Department of Mines Act Amendment Act	41
Department of Municipal Affairs Act Amendment Act.....	42
Domestic Animals Act (Municipalities) Amendment Act.....	42
Domestic Animals (Unorganized Terri- tory) Act Amendment Act.....	43
Drainage Districts Act Amendment Act....	43
Eastern Irrigation District Act Amend- ment Act	44
Eastern Rockies Forest Conservation Advances Act Repeal Act.....	45
Estates of the Mentally Incompetent Act Amendment Act.....	45
Fish Dealers Act Amendment Act.....	46
Forests Act.....	46
Frustrated Contracts Act.....	50
Gaols and Prisons Act Amendment Act....	51
Garagemen's Lien Act Amendment Act....	52
Geographical Names Act.....	52
Grazing Lease Taxation Act Amendment Act	53
Hospitals Act Amendment Act.....	54
Improvement Districts Act, 1947, Amend- ment Act.....	55
Irrigation Districts Act Amendment Act..	58
Irrigation Projects Act.....	58

	Page
Judicature Act Amendment Act.....	59
King's Printer Act Amendment Act.....	59
Land Clearing and Breaking Projects Act Amendment Act.....	59
Land Titles Act Amendment Act.....	60
Legal Profession Act Amendment Act.....	63
Legislative Assembly Act Amendment Act	63
Life Insurance Company of Alberta Act Amendment Act.....	65
Live Stock Diseases Act Amendment Act	66
Lloydminster Hospital Act Amendment Act	68
Margarine Act.....	68
Maternity Hospitalization Act Amendment Act	69
Mechanics' Lien Act Amendment Act.....	70
Mineral Taxation Act, 1947, Amendment Act	70
Mines and Minerals Act.....	72
Mothers' Allowance Act Amendment Act	78
Motor Vehicle Accident Indemnity Act Amendment Act.....	78
Municipal District Act Amendment Act....	81
Municipal Hospitals Act Amendment Act	87
Natural Gas Utilities Act Amendment Act	89
Nursing Aides Act Amendment Act.....	90
Oil and Gas Resources Conservation Act Amendment Act.....	90
Oil and Gas Wells Act Amendment Act....	91
Oil Sands Pilot Plant Administration Act	91
Old Age Pensions Act, Alberta, Amend- ment Act.....	93
Old Age Pensions (Supplementary Allow- ances) Act Amendment Act.....	93
Produce Merchants Act Repeal Act.....	94
Prohibition of Dealing in Crown Lands Act	94
Public Health Act Amendment Act.....	96
Public Lands Act.....	96
Public Libraries Act Amendment Act.....	103
Public Service Pension Act Amendment Act	103
Public Service Vehicles Act Amendment Act	105
Public Trustee Act.....	105
Public Welfare Assistance Act.....	108
Public Works Department Act Amendment Act	109
Registration of Assignments of Crown Lands Act.....	109
Retirement Pension Act Amendment Act..	110
Right of Entry Arbitration Act Amend- ment Act.....	111
School Act Amendment Act.....	113
School Taxation Act Amendment Act.....	118
Setting of Poison Act Amendment Act.....	119
Solemnization of Marriage Act Amend- ment Act.....	120
Special Areas Act Amendment Act.....	121
Stallion Enrolment Act, 1949.....	123
Teachers' Retirement Fund Act Amend- ment Act.....	125
Testators Family Maintenance Act Amendment Act.....	128
Town and Village Act Amendment Act....	129
Town Planning Act Amendment Act.....	133
Trans-Canada Highways Act.....	133
Trustee Act Amendment Act.....	134
Unit Operation of Mineral Resources Act Amendment Act.....	134
Vehicles and Highway Traffic Act Amend- ment Act.....	135
Warehouse Receipts Act.....	140
Water Resources Act Amendment Act.....	141
Water Users' Districts Act Amendment Act	142
Wild Lands Tax Act Repeal Act.....	143

SYNOPSIS OF STATUTES OF GENERAL APPLICATION

**Enacted at the First Session of the
Eleventh Legislature**

AGRICULTURAL PESTS ACT AMENDMENT ACT

(Chapter 1)

This Act amends *The Agricultural Pests Act*, being chapter 76 of the Revised Statutes of Alberta, 1942.

Section 13 is deleted and replaced by a new section which provides that insecticides as well as poisoned bait may be obtained by any person applying for the same. It also provides that application may be made at local municipal or improvement district offices as well as at bait mixing stations.

Section 15 is amended to refer to insecticides as well as other ingredients necessary for the preparation of poisoned bait, spray or dust.

Section 16 is amended to provide that where insecticides are supplied to municipal or improvement districts they may be supplied at a price to be fixed by the Minister and to provide that where such insecticides are supplied to farmers at less than the actual cost, the difference in cost and selling price will be divided equally between the Government and the municipal or improvement district. The object of the amendment to section 16 is to ensure that farmers who prefer insecticides to poisoned bait receive the same actual reduction in price as that received by farmers who use poisoned bait. This is necessary because insecticides are so much more expensive.

This Act came into force on March 29, 1949.

AGRICULTURAL PRODUCTS MARKETING ACT

(Chapter 2)

This is a new Act.

It is practically the same as *The Alberta Natural Products Marketing Act*

which was enacted as chapter 34 of the Statutes of Alberta, 1934. However, instead of relating to all natural products and commodities the new Act relates only to agricultural products.

Section 2 of the Act defines "agricultural products" as meaning oats and barley.

This Act is being enacted at the request of the Dominion Government, and is to come into force upon Proclamation.

AGRICULTURAL SERVICE BOARD ACT AMENDMENT ACT

(Chapter 3)

This Act amends *The Agricultural Service Board Act*, being chapter 19 of the Statutes of Alberta, 1945.

The amendments to this Act are complementary to those made to *The Live Stock Diseases Act* providing for the establishment of Brucellosis restricted areas for the purpose of controlling Brucellosis, commonly known as Bang's disease. It is proposed that Agricultural Service Boards will administer Brucellosis restricted areas and enforce the provisions of *The Live Stock Diseases Act*.

Section 9, which prescribes the duties of Agricultural Service Boards, is amended by adding a new paragraph requiring the Board to assist in the control of any live stock diseases and to administer Brucellosis restricted areas.

Section 10 is also amended to enable the Minister of Agriculture to enter into agreements with municipalities and the Minister of Municipal affairs for the purpose of assisting in the control of live stock diseases and the administration of Brucellosis restricted areas.

Section 12 is amended to make it clear that the moneys contributed by any municipality under an agreement entered into under section 10 are subject to section 200a of *The Municipal District Act*. This section provides that any by-law authorizing an expenditure of municipal funds shall be subject to all the provisions of section 200 of *The Municipal District Act* with respect to the amounts involved and the method

of obtaining the approval of the proprietary electors if required.

This Act came into force on March 29, 1949.

**AGRICULTURAL SOCIETIES ACT
AMENDMENT ACT**

(Chapter 4)

This Act amends *The Agricultural Societies Act*, being chapter 246 of the Revised Statutes of Alberta, 1942.

Section 3 of the Act is amended. The amendment slightly enlarges the objects of agricultural societies to include such things as homemaking, home economics, soil conservation, reforestation, rural beautification and things of a like nature.

Section 5 (3) is struck out in order to remove a restriction which required the annual exhibition to be held at the chief place of business of the society. This was in conflict with section 30 which stated that an exhibition could be held at any place decided upon by the directors.

Section 19 requires a society to hold its annual meeting after its annual exhibition. Some societies do not hold annual exhibitions and others which do may hold other activities after the exhibition. It is the intention that the annual meeting should follow all activities of the year so section 19 is amended to require the annual meeting to be held on or before the twentieth day of December in each year.

Section 23 is amended to clarify the intention of two of the present paragraphs and to delete the reference to co-operative agricultural experiments which have been discontinued.

Section 27 deals with the returns required by the Department. This section is amended slightly to give more particulars as to forms required to be filed and to clarify the intention of the section. The date for filing these returns is extended from the twenty-third day of December to the fifteenth day of January of the following year.

A new subsection (2) is added to section 30. It prohibits a fair or exhibi-

tion from being held within fifty miles of an existing fair or exhibition unless the consent of the Minister is obtained or unless the fair or exhibition was held in that location in 1948.

Section 33 of the Act dealing with grants is struck out and replaced by two new sections 33 and 33a. The former paragraph (a) dealing with membership grants and the former paragraph (b) dealing with grants in connection with co-operative agricultural experiments have been struck out as both have been discontinued. The grant for holding an exhibition or fair is reduced from a maximum of three thousand dollars to a maximum of fifteen hundred dollars for holding Class B fairs and to a maximum of four hundred dollars for any other fair. The amounts of the remaining grants are generally unchanged although the wording of the section has been clarified by the amendment.

This Act came into force on March 29, 1949.

ALBERTA CORPORATION INCOME TAX ACT AMENDMENT ACT

(Chapter 5)

This Act amends *The Alberta Corporation Income Tax Act*, being chapter 3 of the Statutes of Alberta, 1947.

In 1947 the Government of Canada and the Government of Alberta entered into an agreement providing for the suspension by the Province of the levying and collection of income tax on individuals, succession duties and certain corporation taxes. *The Alberta Corporation Income Tax Act* was introduced and passed at the request of the Dominion Government and similar Acts were passed by the Legislatures of all provinces which completed tax agreements with the Dominion. The amendments contained in this Act are also being introduced at the request of the Dominion and similar amendments have been or will be introduced in the Legislatures of all the provinces which have completed tax agreements.

The amendments contained in this Act are parallel to changes made in the Dominion Act adopted at the 1948

session of the Parliament of Canada. The amendments when passed will bring the Alberta statute into conformity with the Dominion statute for the 1948 taxation year.

Section 4 (n) (iii) is struck out and a new clause (iii) is substituted. Clause (iii) of paragraph (n) which deals with co-operatives is amended so that clause (iii) only requires ninety per cent of the members of the co-operative to be individuals rather than all of its members as is presently required.

Section 5 is amended as to subsection (1) by striking out paragraph (i) and by adding in its stead eight new paragraphs (i) to (p) inclusive. The new paragraph (i) is applicable to both the 1947 and 1948 taxation years and paragraphs (j) to (p) inclusive are all applicable to the 1948 taxation year.

Section 5 (2) (c) is struck out and a new paragraph (c) substituted which is applicable to both the 1947 and 1948 taxation years.

Section 8 is amended by the addition of two new subsections both of which are applicable to the 1948 taxation year.

Section 40 is amended to increase the rate of interest payable in respect of overdue taxes from four per cent to six per cent per year. This is applicable to the 1948 taxation year. A new subsection (7) is added to section 40 which is also applicable to the 1948 taxation year.

Section 43 is amended by the addition of a new subsection (3).

Section 61 is amended by striking out the present subsection (4) and substituting a new subsection.

New sections 66 and 67 are added at the end of the Act. They provide that this Act is applicable to taxation years up to and including the 1948 taxation year. The provisions of *The Alberta Corporation Income Tax Act, 1949*, will be applicable to the 1949 and subsequent taxation years.

A new paragraph (f) is added to section 4 of the First Schedule dealing with grain companies. The First Schedule sets out the method of determining the

portion of the income of a corporation properly attributable to its operations in Alberta. The new paragraph (f) prescribes rules for the purpose of determining the income of grain corporations attributable to their operations in Alberta. Paragraph (f) is applicable to the 1947 and subsequent taxation years.

This Act came into force on March 29, 1949, and upon so coming into force,—

- (a) paragraph (a) and paragraph (c) of section 2 and section 8 are deemed to have been in force at all times on and after the first day of January, 1947;
- (b) section 1, paragraph (b) of section 2, and sections 3, 4, 5, 6 and 7, are deemed to have been in force at all times on and after the first day of January, 1948.

ALBERTA CORPORATION INCOME TAX ACT, 1949

(Chapter 6)

This is a new Act.

The Alberta Corporation Income Tax Act, being chapter 3 of the Statutes of Alberta, 1947, is not applicable to taxation years after the 1948 taxation year, and this new Act is applicable to 1949 and subsequent taxation years.

In 1947 the Government of Canada and the Government of Alberta entered into an agreement providing for the suspension by the Province of the levying and collection of income tax on individuals, succession duties and certain corporation taxes. The 1947 Act was introduced and passed at the request of the Dominion Government and similar Acts were passed by the Legislatures of all provinces which completed tax agreements with the Dominion. Now, at the request of the Dominion, this Act is being introduced, applicable to 1949 and subsequent taxation years. Similar Acts have been or will be introduced in the Legislatures of all the provinces which have completed tax agreements.

This Act is divided into five parts. Part I deals with income tax payable by corporations. Part II deals with

the administration and enforcement of the Act. Part III deals with tax evasion. Part IV contains the interpretation section and Part V contains the transitional provisions necessary in connection with the transition from the 1947 Act to this Act.

Part I is divided into seven divisions, namely, Divisions A to G inclusive.

Division A deals with liability for the tax.

Division B deals with computation of income. In this Division sections 3 and 4 deal with general rules. Sections 5 to 8 set out the amounts included in computing income. Section 9 deals with the amounts not included in computing income. Sections 10 and 11 deal with deductions allowed in computing income and section 12 deals with deductions not allowed in computing income. Sections 13 to 20 contain miscellaneous rules for computing income.

Division C of Part I deals with the computation of taxable income. In this Division sections 21 to 23 deal with deductions and section 24 deals with the income of life insurance companies.

Division D of Part I deals with computation of the tax. The tax payable by a corporation is normally five per cent of its taxable income for the year attributable to its operations in Alberta. Sections 26 to 29 contain exceptions or variations used in computing the tax.

Division E of Part I deals with returns, assessments, payment of tax and appeals. In this Division section 30 sets out the returns required. Section 31 deals with the estimate of the tax which is required from the taxpayer. Assessment is dealt with in sections 32 to 36. Section 37 deals with the payment of interest on tax which is overdue. Section 38 is the penalty section and section 39 provides for refunds of overpayments. Appeals are dealt with in sections 40 and 41 and section 42 is a general provision.

Division F of Part I deals with exceptions.

Division G of Part I deals with exceptional cases and special rules. Per-

sonal corporations are dealt with in section 44, investment companies in sections 45 and 46, foreign business corporations in section 47, scientific research in section 48, co-operatives in section 49, refund of premiums and patronage dividends in sections 50 and 51, special contributions by employers to superannuation funds in section 52, mining companies in section 53, and consolidated returns in section 54.

Part II of the Act deals with its administration and enforcement. In this Part the general administrative provisions are contained in sections 55 and 56. Provisions relating to the collection of tax are contained in sections 57 to 61 and further general provisions are contained in sections 62 to 65. The sections dealing with offences, procedure, and evidence are sections 66 to 71.

Part III of the Act deals with tax evasion.

Part IV of the Act contains the interpretation provisions.

Part V of the Act contains the transitional provisions which are found in sections 74 to 78.

This new Act is based on the *Dominion Income Tax Act* and the purpose of its enactment is to ensure that the provisions of the Dominion Act and the Alberta Act will be uniform.

This Act came into force on March 29, 1949, and is retroactive to January 1, 1949. It expires on January 1, 1952.

ALBERTA GOVERNMENT PURCHASING

AGENCY ACT AMENDMENT ACT

(Chapter 7)

This Act amends *The Alberta Government Purchasing Agency Act*, being chapter 19 of the Revised Statutes of Alberta, 1942.

Section 2 (e) which defines the term "supplies" is amended. The Purchasing Agency purchases all "supplies" for the Government. The definition of "supplies" includes "all advertising". Since June 25th, 1946, the Director of Publicity of the Publicity Bureau of the Department of Economic Affairs has been purchasing all advertising of a

publicity nature. Advertising prescribed or required by any statute or regulation is still purchased through The Purchasing Agency except for the advertising done by the Public Trustee under *The Public Trustee Act*. Accordingly, the definition of "supplies" is amended to refer to all advertising prescribed or required by statute or regulation except that done by the Public Trustee.

This Act came into force on March 29, 1949, and is retroactive to June 25, 1946.

ALBERTA INSURANCE ACT AMENDMENT ACT

(Chapter 8)

This Act amends *The Alberta Insurance Act*, being chapter 201 of the Revised Statutes of Alberta, 1942.

Section 33 is amended to increase the amount of subscribed stock required to have been paid up in cash from twenty-five thousand dollars to fifty thousand dollars before a license is granted in the case of a joint stock company undertaking fire or fire and inland marine, or fire and accident, or life, or life and accident, or guarantee or fidelity insurance, or hail insurance, and in the case of a joint stock company undertaking automobile insurance. The amendments are made to paragraphs (a) and (e) of the section.

A new section 162a is added immediately after the present section 162. This section provides that in case the license of a provincial company has been cancelled or is not renewed within the period limited by this Act the Minister may appoint a provisional liquidator to take charge of the affairs of the company and may direct that it be wound up under *The Companies Act*. Upon receipt of a direction from the Minister the provisional liquidator may petition the court for a winding up order and upon the making of the order the provisions of *The Companies Act* relating to the winding up of a company, in so far as they are not inconsistent with *The Alberta Insurance Act*, apply to the company. The liquidator, in the course of the winding up proceedings and subject to the ap-

proval of the court may sell the business and undertaking of the company as a going concern.

This Act came into force on March 29, 1949.

**ALBERTA LAND SURVEYORS ACT
AMENDMENT ACT**

(Chapter 9)

This Act amends *The Alberta Land Surveyors Act*, being chapter 287 of the Revised Statutes of Alberta, 1942.

Section 22 is struck out and the new section which replaces it instead of outlining in detail the qualifications required for a person desirous of articling as a land surveyor, provides that the qualifications shall be those prescribed from time to time by the board of examiners set up under the Act.

Section 26 is struck out and a new section which is subdivided into paragraphs outlines the field service and examinations a candidate must take before being qualified to practise as an Alberta land surveyor. The new section also, instead of naming in detail the subjects in which the candidate must be qualified provides that he must pass examinations in such subjects as the board of examiners may prescribe.

Section 27 is struck out and a new section 27, divided into subsections, clarifies the intention of the old section.

Section 28 is struck out and a new section 28, divided into subsections and paragraphs clarifies and simplifies the meaning and intention of the old section. In addition it is amended so that where it formerly referred to subjects set forth in other sections, it now refers to subjects prescribed by the board of examiners. This is rendered necessary by the proposed amendments to the other sections.

Section 29 is amended so that where it formerly referred to subjects set forth in section 26, it now refers to subjects prescribed by the board of examiners under the provisions of section 26.

This Act came into force on March 29, 1949.

ALBERTA LIVE STOCK AND LIVE STOCK PRODUCTS ACT AMENDMENT ACT

(Chapter 10)

This Act amends *The Alberta Live Stock and Live Stock Products Act*, being chapter 88 of the Revised Statutes of Alberta, 1942.

Section 4 is amended. The word "order" is struck out of subsections (1) and (2) and the word "regulation" is substituted. The word "regulation" is defined in the interpretation section and it is used elsewhere throughout the Act. This section deals with regulations made by the Lieutenant Governor in Council and it would appear to be more appropriate to use the term "regulation" rather than the term "order".

Section 4 (1) (b) is struck out and two new paragraphs are substituted instead. The first paragraph enables the Lieutenant Governor in Council to prescribe designated areas and to make special rules and regulations applicable to such designated areas relating to licensing, grading, packing, marketing and sale of live stock and live stock products in such designated areas. The second paragraph substituted is similar to the one which was struck out, having been reworded for purposes of clarification only.

This Act came into force on March 29, 1949.

ALBERTA MARKETING ACT AMENDMENT ACT

(Chapter 11)

This Act amends *The Alberta Marketing Act*, being chapter 253 of the Revised Statutes of Alberta, 1942.

Section 2, paragraph (e), which defines the term "Minister" is amended to conform to the new name of the Department, namely, Industries and Labour.

Sections 3 and 4 are amended and sections 6 to 9, both inclusive, are struck out of Part I of the Act. Part I of the Act provided for the creation of corporate boards which could both engage in the marketing of natural products and also regulate and control the

marketing of natural products by their competitors. These boards could engage in the marketing of natural products either directly or indirectly through a wholly owned subsidiary corporation created under Part III of the Act. The purpose of the amendments to Part I of the Act is to remove from any board or boards constituted under Part I such control and regulatory powers over their competitors in the industry as the Act presently provides for. Boards created under Part I have never exercised to any appreciable degree their powers of regulation and control of marketing in respect of any natural product. Nevertheless it is deemed advisable to remove these powers from them so long as they engage directly or indirectly in the marketing of such natural products.

Section 3 (1) is amended so that the boards created under that subsection may engage in marketing of any natural product but the powers of control and regulation formerly contained in the subsection have been removed.

Section 3 (2) is amended to increase the maximum number of members of a board from five to six.

Section 4 (1) is similarly amended to section 3 (1).

Sections 6 to 9 inclusive which deal with control and regulation have been struck out.

A new section 6 has been added giving to the Lieutenant Governor in Council power to make regulations re the marketing of natural products. The regulations may cover such subjects as grading of natural products, licensing of dealers, submission of returns, and generally all matters relating to the distribution and marketing of natural products.

Section 20 of the Act authorized the Provincial Treasurer, with the approval of the Lieutenant Governor in Council, to make advances out of the General Revenue Fund to corporations which are wholly owned subsidiaries of the Provincial Marketing Board. These advances were for the purpose of the establishment, organization and operation of any such corporation and for its

financing. The section presently limits the total amount of all advances to such corporations to a maximum limit of one hundred thousand dollars. The effect of the amendment is to increase the amount of the authorized advances from a total of one hundred thousand dollars for all such corporations to a total of two hundred thousand dollars per corporation.

This Act came into force on March 29, 1949.

**ALBERTA MUNICIPAL ASSESSMENT
COMMISSION ACT AMENDMENT ACT**

(Chapter 12)

This Act amends *The Alberta Municipal Assessment Commission Act*, being chapter 156 of the Revised Statutes of Alberta, 1942.

Section 2 (a) is amended so that the definition of assessor includes an assessor appointed to the staff of the Director of Assessments.

Section 4 (a) and section 17 (1) (c) are both struck out as they contain references to *The Wild Lands Tax Act*. These amendments are necessary by reason of the repeal of *The Wild Lands Tax Act* as recommended by the Judge Report.

Several new sections are added immediately after section 4.

Section 4a enables the Lieutenant Governor in Council, upon the recommendation of the Minister, to appoint assessors to the staff of the Director of Assessments.

Section 4b provides that the Director of Assessments upon receipt of a requisition from a town or village may designate one or more of his assessors to make a general assessment of the town or village. The town or village bears seventy-five per cent of the cost of such a general assessment.

Section 4c provides that the Director of Assessments upon receipt of a request from a municipal district may designate one or more of his assessors to reassess all or any part of the municipal district. The entire cost of the reassessment of any portion of a mun-

icipal district, other than a hamlet and seventy-five per cent of the cost of the reassessment of any hamlet, is payable by the municipal district.

Section 4d empowers the Director of Assessments to consult with the assessor of any city and make recommendations as to standards and methods of assessment and to give other advice and assistance. All of these amendments implement recommendations contained in the Judge Report.

Section 6 is amended by striking out a reference to *The Social Services Tax Act* which has now been repealed.

Section 7 is similarly amended. Sub-section (3) of section 7 is amended and subsection (4) is struck out to remove references to the social services tax.

This Act came into force on March 29, 1949.

AMUSEMENTS ACT AMENDMENT ACT

(Chapter 13)

This Act amends *The Amusements Act*, being chapter 40 of the Revised Statutes of Alberta, 1942.

Section 2 of the Act is amended by including a definition of the word "Professional". The inclusion of this definition is designed to make it possible to collect the amusement tax on performances where professional talent is employed.

Section 13 of the Act is amended as to paragraph (d) by changing the word "recitals" to "performances" to give the paragraph a wider meaning and thus exempt from the tax other forms of musical entertainment in addition to recitals.

Section 13 of the Act is further amended in paragraph (g) by referring to moving picture films rather than to standard films as it does now. This change is necessary because of the ever increasing use of the 16 millimeter film which is "standard" and if the change were not made many moving picture theatres would be able to frequently escape the tax.

Section 13 is further amended by the addition of a new subsection (2). The subsection makes it clear that no person is exempt from liability for tax when professional talent is employed.

A new section 18b is added to empower the Lieutenant Governor in Council to appoint, in addition to the Advisory Board mentioned in section 18a, a Special Advisory Board to advise the Minister on any special questions which he may refer to it. Provision is also made for the payment of members of this Board.

This Act came into force on March 29, 1949.

APPROPRIATION ACT, 1949

(Chapter 14)

This Act provides for the payment out of the General Revenue Fund of \$287,454.07 on account of expenditures for the fiscal year ending the 31st day of March, 1948, and for the payment out of the General Revenue Fund of \$9,-145,642.32 on account of expenditures for the fiscal year ending the 31st day of March, 1949, and for the payment out of the General Revenue Fund of a sum not exceeding \$72,562,000.00 on account of expenditures of the public service for the fiscal year ending the 31st day of March, 1950.

This Act came into force on March 29, 1949.

ASSESSMENT ACT AMENDMENT ACT

(Chapter 15)

This Act amends *The Assessment Act*, being chapter 157 of the Revised Statutes of Alberta, 1942.

Section 2 (b) which defines the term "assessor" is amended to refer to an assessor appointed under *The Alberta Municipal Assessment Commission Act*.

Section 2 (g) which defines the term "farm land" is struck out and a new definition is substituted. Farm land is defined as meaning a parcel of land used for farming purposes which is twenty acres or more in extent, or land which is used for farming purposes and which is less than twenty acres in

extent if the owner or tenant derives his livelihood mainly from the actual cultivation of the land.

Section 2 (o) (i) is amended to broaden the definition of the term "parcel". The amendment brings within the definition a block which has not been subdivided into lots.

Section 4 is amended by striking out the reference to *The Soldiers Relief Act* which has been repealed in so far as its effect on this Act is concerned.

Section 5 which is the exemption section of the Act is amended. Paragraph (g) of subsection (1) is amended to make it clear that the exemption for land of an agricultural society only applies to land held for the use of the society. Paragraph (n) of subsection (1) which refers to *The Soldiers Relief Act* has been struck out. A new paragraph (tt) has been added immediately after paragraph (t) of subsection (1). This paragraph exempts from assessment all domestic animals including poultry, bees and fur-bearing animals whether kept upon farm lands or not. Paragraphs (u) and (z) of subsection (1) are each amended to make it clear that the exemptions to which they refer do not apply where the articles listed are held as stock-in-trade by a dealer.

Section 6 is struck out and a new section is substituted. The section has been redrafted for purposes of clarification and its meaning has not been altered very greatly. The numerous references which occur in the present section to assessment for business tax purposes have been omitted. The business tax to be imposed by towns and villages is now dealt with entirely in sections 20 and 21 and there is no necessity for reference to be made to it in section 6.

The new section is accordingly confined to assessment of real and personal property in collecting school districts.

Section 7 is amended by the addition of three new subsections (5), (6) and (7). Subsection (5) requires the council of a municipal district to pass a by-law exempting from assessment and taxation all buildings and improve-

ments intended for industrial or business purposes until the building or improvement has been completed or is in operation or is occupied.

Subsection (6) provides that the by-law must be submitted to the Minister and if the Minister disapproves it no exemption is granted.

Subsection (7) enables the Minister in his discretion to provide for a similar exemption in an improvement district.

Section 8 is struck out and a new section is substituted. The new section is similar to the existing one with certain changes. Under the new section personal property is liable to assessment for hospital purposes. The section also provides that personal property shall not be assessable until it has been in a municipality for sixty days or more. The amendment also provides that personal property shall not be assessed by more than one municipality in any one year. These changes arise from recommendations contained in the Report of the Royal Commission on Taxation. The deadline for the assessment of personal property is fixed as the first day of September, which is later than the period fixed for the assessment of real property and business. All provisions relating to the assessment of personal property are now contained within this one section.

Section 16 is repealed. This was a transitional section which has now served its purpose and there is accordingly no further need for its retention in the Act.

Section 17 is amended by the addition of a new subsection (2a). This new subsection enables the Minister to requisition the Director of Assessments to make a general assessment of all or any part of any improvement district.

Section 17 (4) is struck out and a new subsection is substituted. The changes in the roll referred to in the present subsection did not cover all possible changes. For example, the present subsection would not cover a reassessment made under the authority of section 5 (1) (b) of *The Alberta Municipal Assessment Commission Act*. The word-

ing is altered to read "changes in the roll from year to year made in accordance with the provisions of this Act or *The Alberta Municipal Assessment Commission Act*," which covers every possible contingency.

Section 18 is struck out and a new section is substituted. The new section covers the present provisions with modifications and additions. In accordance with the recommendation of the Royal Commission on Taxation the section provides that the council of a town or village may requisition the Director of Assessments to make a general assessment of all lands, buildings and improvements in the town or village.

A new section 18a is added immediately after section 18 of the Act. This section makes it clear that the personal property assessment shall be made by the assessor appointed by the council and that the assessment will be made not later than the first day of September. The section refers back to section 8 under which the personal property assessment is made.

Section 19 is amended. The amendments make it clear that adopted assessments and annual assessments are to be made by the assessor appointed by the council or by the Minister and not by the Director of Assessments. A proviso is added to paragraph (a) to make it clear that the personal property assessment may be made any time before September first. Paragraph (b), except for the proviso, is struck out and a new paragraph substituted. The new paragraph provides for the reassessment of lands, buildings and improvements where the value has been changed other than by fair wear and tear on the buildings and improvements.

Section 20 is struck out and a new section is substituted. The new section confines the business tax to towns and villages. The subsection imposing a business tax on fur farms has been deleted. The business tax has been made available for hospital purposes. All of these changes result from recommendations contained in the Judge Report.

Section 21 is amended in several particulars. In accordance with the recom-

mendations contained in the Judge Report the business tax will no longer be levied in municipal districts and improvements districts. All references of this nature are accordingly struck out of the section. References to fur farming are deleted because fur farms are no longer subject to a business tax.

A new subsection (6b) has been added to section 21 providing for the imposition of a business tax for hospital purposes which is similar to the business tax provided for municipal and for school purposes.

Subsection (8) of section 21 is struck out and a new subsection substituted. The subsection has been reworded in order to make it clear that a business which has been carried on for more than thirty days shall be liable to payment of the full annual business tax.

Subsection (9) of section 21 is amended to make it clear that the business tax is abated only to the extent of a license fee payable to the town or village.

Subsections (11) and (15) of section 21 are each struck out as the business tax is no longer to be collected in improvement districts and municipal districts. Subsection (15) also provided for the off-set of a tax on improvements against a business tax. This off-set provision is confined to villages and does not apply to towns. There does not appear to be any reason why towns and villages should not be in the same position in this regard. The striking out of this provision is in accordance with the recommendation contained in the Judge Report and the similar section in *The Town and Village Act* is also being struck out.

Section 28 is struck out and a new section is substituted for purposes of clarification. The old section did not differentiate between a new and an adopted assessment and did not make adequate provision for the different procedures required in each case. The section has accordingly been redrafted. A new subsection (3) has been added which provides for alternative methods of giving notice of the preparation of the new assessment roll, namely, by

the distribution of circulars to the ratepayers or by publication in a newspaper circulating in the district.

The Act was assented to on March 29, 1949, and is deemed to have been in force at all times on and after the first day of January, 1949.

**ASSOCIATED HOSPITALS OF ALBERTA,
AN ACT TO INCORPORATE THE,
AMENDMENT ACT**

(Chapter 16)

This Act amends *An Act to incorporate The Associated Hospitals of Alberta*, being chapter 22 of the Statutes of Alberta, 1948.

Section 6 is amended. The Blue Cross Plan which is dealt with in this Act covers the furnishing of hospital care by The Associated Hospitals of Alberta. The words "medical care" appearing in section 6 should have been the words "hospital care" and the error is remedied by this amendment.

This Act came into force on March 29, 1949.

ATLANTIC CLAIMS ACT

(Chapter 17)

This is a new Act.

The Act deals with claims arising directly or indirectly from the Atlantic No. 3 oil well disaster whether recoverable as a debt or damages or otherwise howsoever. There are technical and engineering problems involved in the determination of liability and the assessment of damages which are common to many of these claims, and the claims are so inter-related that it is not feasible or practicable to deal with them individually. On the invitation of the Petroleum and Natural Gas Conservation Board representatives of the Atlantic Oil Company, Limited, and of the majority of the producers in the Leduc field worked out and approved a settlement of the claims arising as a result of the Atlantic No. 3 oil well blowing out of control. It is deemed desirable and expedient in the public interest to implement the settlement

of claims adopted as aforesaid and the purpose of this Act is to implement the settlement.

The Conservation Board has deposited the proceeds from the sale of petroleum produced from the Atlantic No. 3 well in a trust fund. Section 3 of the Act enables the Board to retain from the trust fund for a period of not more than two years such moneys as may be required for expenses in connection with bringing the well under control and conserving the petroleum and natural gas from the well. The Board is also authorized to pay money out of the trust fund in connection with the costs and expenses incidental to action taken by the Board for the purpose of bringing the well under control. It may also use the money in the fund for any conservation measures the Board deems necessary in connection with the well. This section empowers the Board to pay out of the fund the sums required to give effect to any settlement approved by the Board arrived at between the Company and the claimants against the Company. If the parties cannot agree upon a settlement the Board in its discretion may pay to the claimant such amount, if any, in settlement of his claim as the Board considers just and equitable. The Board can advance to the Company from the fund such sums as the Board deems advisable from time to time. All money remaining in the fund after the payment of claims, costs and expenses authorized to be paid pursuant to the Act belongs to the Company.

Section 4 provides that the Atlantic No. 3 well shall be deemed to have over-produced to the extent of five hundred and sixty-five thousand, one hundred and ninety-five barrels of oil. The section enables the Board to restrict the production of the Company's other wells and to prevent the drilling of further wells until such time as the Board considers it necessary in order to compensate, in the opinion of the Board, for the over-production of the Atlantic No. 3 well.

Section 5 prohibits actions against the Company by any person unless such person has obtained the consent in writing of the Attorney General.

Section 6 enables the Lieutenant Governor in Council to vest in the Board any additional powers and duties which are deemed necessary for the purpose of enabling the Board to perform its duties under this Act.

Section 7 validates Order in Council No. 1495-48, dated the twenty-first day of December, 1948. This Order in Council authorized the payment out of the trust fund of certain expenses incurred in bringing the well under control. It also authorized the payment of sums in settlement of claims which were agreed upon by the Company and the claimants and approved by the Board. It also authorized the payment of royalties to royalty holders on the basis of the normal allowable production of the Atlantic Nos. 1, 2, and 3 wells.

This Act came into force on March 29, 1949.

BOILERS ACT AMENDMENT ACT (Chapter 18)

This Act amends *The Boilers Act*, being chapter 307 of the Revised Statutes of Alberta, 1942.

Section 2 which is the interpretation section is amended by the addition of a definition of the expression "liquefied petroleum gas container". The definition of "pressure vessel" is also amended to include a reference to liquefied petroleum gas containers. The effect of these two amendments is that the sections of the Act relating to pressure vessels are now applicable to liquefied petroleum gas containers.

This Act came into force on March 29, 1949.

BUREAU OF PUBLIC WELFARE ACT AMENDMENT ACT (Chapter 19)

This Act amends *The Bureau of Public Welfare Act*, being chapter 21 of the Revised Statutes of Alberta, 1942.

A new subsection (3) is added to section 31 which enables the Minister to provide hospitalization and treatment

services for any child resident in the Province who is suffering from the effects of rheumatoid arthritis.

This Act came into force on March 29, 1949.

CHANGE OF NAME ACT AMENDMENT ACT

(Chapter 20)

This Act amends *The Change of Name Act*, being chapter 328 of the Revised Statutes of Alberta, 1942.

Section 4 is amended. This section requires every applicant for a change of name to file certain documents with the Provincial Secretary. Those persons who were naturalized prior to the passage of *The Canadian Citizenship Act* are required to file a certified copy of their naturalization certificate. The purpose of the amendment is to provide that those persons who become Canadian citizens under the provisions of *The Canadian Citizenship Act* will file a certified copy of their certificate of Canadian citizenship.

This Act came into force on March 29, 1949.

CHILD WELFARE ACT AMENDMENT ACT

(Chapter 21)

This Act amends *The Child Welfare Act*, being chapter 8 of the Statutes of Alberta, 1944.

Section 6 is struck out. This section provided for the appointment of a selection committee by the Lieutenant Governor in Council which committee had to approve all appointments of child welfare workers whether municipal or provincial. The effect of the removal of this section is that municipalities will be free to make their own child welfare appointments and the Province will no longer exercise any control over such municipal appointments.

Section 10 (c) is amended. This paragraph defines a "Child welfare worker" as meaning an official appointed by the Lieutenant Governor in Council or by a municipality to carry on child welfare work in the Province

or in the municipality, as the case may be. The reference to approval of the appointment by the selection committee has been omitted.

Section 11 is amended. Subsection (1) of this section presently provides that cities and towns having a population of three thousand or more shall appoint their own inspectors or child welfare workers. This subsection is amended to provide that every municipality shall appoint its own child welfare workers.

Section 12 (2) is amended by striking out "city or town" and substituting "municipality". The effect of the amendment is that inspectors or child welfare workers appointed by a municipality may act as probation officers in the municipality for which they are appointed.

Section 14 (7) is amended. Under the present subsection it is mandatory for the judge who finds that a child is not a neglected child to order that it be returned to its parents, guardian, etc. The purpose of the amendment is to give the judge a discretion in directing the persons to whom the child shall be returned.

Section 14 (13) is amended by striking out the second proviso and substituting a new proviso. The effect of the amendment is that a judge in determining the liability of a municipality for the support of a child who has been declared to be a ward of the Government shall direct the municipality to pay the actual costs incurred for the maintenance of the child rather than the minimum of seven dollars per week provided for in the present section.

Section 14 (14) is also amended by striking out the second proviso and substituting a new proviso. This section presently provides that a child is deemed to belong to a municipality in certain circumstances. The new proviso establishes that a child of a woman who is receiving mothers' allowance or of parents who are receiving indigent relief shall be deemed to belong to the municipality which is liable for payment of any part of the mothers' allowance or the relief, as the case may be.

Section 15 is struck out and a new section is substituted. The new section amplifies the powers contained in the present section. It enables a judge hearing the case of any neglected child to adjourn the same indefinitely and to return the child to the parents. If he commits the child temporarily to the care and custody of the Superintendent it shall not be for a greater period than twelve months. Where a child has been temporarily committed to the care of the Superintendent, the Superintendent may at any time during the period of the temporary commitment bring the case again before a judge to make a further order either permanently committing the child or returning the child to his parents. No child may be adopted during a period when it is temporarily committed.

Section 17 is amended to provide that the notice of appeal from an order of a judge shall be served both upon the Commission and the municipality rather than upon one or the other.

Subsection (3) of section 20 is amended so that a city is free to make its own appointment of a supervisor of a city observation home, and such appointment is no longer subject to the approval of the Commission.

Section 53 is amended. This section presently provides that no parent shall surrender the custody of his child and no person shall accept the custody of such a child without having first obtained the written approval of the Commission. The amendment provides an exception for a surrender upon the order of a District Court judge.

Section 55 (1) is amended. This subsection presently enables the council of any city, town, village or municipal district to pass a by-law regulating the time after which children shall not be in a public place at night without proper guardianship. The effect of the amendment is that the Minister of Municipal Affairs is given the same power in this regard in an improvement district or a special area that a council has in a municipality.

Section 57 (1) is amended to provide that every municipality shall provide a shelter for the care of its neglected

children. It is to be noted that a private home may constitute a shelter under this section. At present only cities and towns with a population of three thousand or over are required to provide and maintain a shelter.

Section 87 (1) is struck out and a new subsection is substituted. The effect of the amendment is to require the Commission to make an investigation of every application for adoption and to submit a report of the investigation to the Court together with the petition for adoption.

Section 87 is further amended by the addition of a new subsection (3) which provides that the spouse of a petitioner shall be competent to join in the petition notwithstanding that the spouse has not attained the full age of twenty-one years.

Section 93 is amended by striking out references to the Superintendent and substituting references to the Commission. A new subsection (2) is added which deals with cases where a child is not a ward of the Government. The subsection provides that an order of adoption shall not be made unless the judge is satisfied either that the child has lived with the petitioner for one year and that during that period the conduct of the petitioner and the conditions in which the child lived justify the making of the order, or that the petitioner is a fit and proper person to have the care and custody of the child and that it appears desirable to the judge in the best interests of the child, or for some other good and sufficient reason that the one year period of residence be dispensed with.

Section 112 is amended. Subsection (1) is struck out and a new subsection is substituted. This new subsection provides that in affiliation proceedings the woman making the complaint may do so to a police magistrate or a judge. The amendment enables a police magistrate to take this complaint as well as a judge. In rural areas police magistrates are available more frequently and thus the difficulty previously experienced in commencing these proceedings will be removed. The police magistrate is required to

forward the complaint to the Clerk of the Court who is required to notify the Superintendent when he receives it.

A new subsection (3) is added to section 112 providing that either the Superintendent or the complainant may then apply to a judge for a summons requiring the putative father to appear before a judge and to show cause why an affiliation order should not be made against him.

Sections 116 and 118 are both amended slightly to change the expression "The judge" to the expression "A judge". At present "A judge" may issue a summons and then "The judge" must hear and determine the case, etc. It is arguable that the expression "The judge" refers to the judge who issued the summons and that such judge is seized of the case and no other judge may hear it. This creates a practical difficulty as in many cases a judge who expects to take a sittings may issue a summons and then find that the court calendar is rearranged so that some other judge takes that sittings. It is desirable that any judge should be able to hear these proceedings irrespective of what judge issued the summons.

Subsection (2) of section 127 is amended. Subsection (2) of section 118 provides that no application to vary an affiliation order can be made until after one year from the date of the order sought to be varied. It was not intended that this provision should apply to the circumstances covered by section 127 and subsection (2) is amended to make this clear.

This Act came into force on March 29, 1949.

CHIROPRACTIC ACT, 1945, AMENDMENT ACT

(Chapter 22)

This Act amends *The Chiropractic Act, 1945*, being chapter 16 of the Statutes of Alberta, 1945.

Section 10 is amended. The 1945 Act increased the qualifications required of chiropractors and the new qualifications were made applicable to all future ap-

plicants with certain exceptions. One of the exceptions was set out in subsection (5) which provides that a person who was prevented from changing his occupation by a regulation made under the provisions of the *War Measures Act (Canada)*, who applied for admission to a school of chiropractic within six months after the coming into force of the new qualifications, and who commenced to attend the school within two years from the date of his release from the occupation which he was prevented from changing could qualify under the former standards. The subsection requires such a person to apply to the school within six months and to commence attendance within two years. Cases have arisen where such persons in good faith commenced to attend the school within the required two years and have completed the necessary training but because their application was not in within the six month period they are now barred from admission. Subsection (5) is amended by changing the six month period to two years which brings these persons within the provisions of the Act and enables their admission to the Association.

Subsection (6) of section 10 is also amended by providing that the special privilege under subsections (4) and (5) will not be available later than the thirty-first day of December, 1949.

A new section 12a is added immediately after section 12. This new section enables the Board in its discretion to grant a non-participating life membership in the Association to any member who has attained the age of sixty years and who has practised in Alberta as a member of the Association in good standing for at least five years, and who in the opinion of the Board is a fit and proper person. Any member who has attained the age of sixty years and who has practised in Alberta for at least ten years may make application to the Board for a non-participating life membership. Any member who has been granted a non-participating life membership shall be deemed to be registered as a non-participating member of the Association without filing any renewals of registration or paying the regular fees. The Board in its discretion may cancel any non-participat-

ing life membership for any act of misconduct or for any other proper cause.

A new section 26a is added immediately after section 26. It enables the Board, with the approval of the Association, to make reciprocal agreements with other jurisdictions governing the admission to Alberta of persons qualified to practise in those other jurisdictions. Such an agreement may only be made if the qualifications in the other jurisdictions are equivalent to the qualifications in Alberta. The agreement itself may make provision for the admission to Alberta of persons who were qualified to practise in the other jurisdiction when qualifications were lower than they are at present. In such case the agreement may provide for additional terms and conditions governing their admission such as requiring a certain number of years of practice, etc.

This Act came into force on March 29, 1949.

COAL BRANCH HOSPITAL DISTRICT ACT AMENDMENT ACT

(Chapter 23)

This Act amends *The Coal Branch Hospital District Act*, being chapter 17 of the Statutes of Alberta, 1945.

Section 2 (g), which defines the term "ratepayer", is amended. The amendment includes within the definition a person deemed to be a ratepayer within the meaning of section 13 of *The Improvement Districts Act*, 1947. This includes a person who is the owner of improvements situate on land of which he is not the owner if such person pays to the assessed owner an amount equivalent to the taxes levied against the assessed owner with respect to the improvements. In such case he is deemed to have paid improvement district taxes and to be a ratepayer for the purposes of this hospital district.

Section 3 is struck out and two new sections are substituted.

The new section 3 provides that twenty-five per cent of the residents of any township within improvement dis-

trict number 79 may present a petition to the Minister for the establishment of a hospital district.

The new section 3a provides that the Minister in his discretion may establish the district as outlined in the petition or as outlined and varied by him and may determine its area and do such other things as he may deem advisable in connection with its establishment. The Minister also fixes and allocates the number of members of the board for the district.

Section 4 is amended by striking out subsection (4). This subsection required the board to consist of five members and it is now replaced by the provision providing that the Minister may fix the number of members of the board.

Section 5 is struck out. This required the district to be divided into wards.

Certain words at the end of section 6 are struck out relating to members representing wards. As the mandatory provision requiring wards has been struck out this reference to representation of wards is now unnecessary.

The reference to improvement district number 466 which occurs in various sections throughout the Act is changed in every case to refer to improvement district number 79. The same area of land is involved but the number of the improvement district has been changed since this Act was first passed in 1945.

This Act came into force on March 29, 1949.

COAL MINES REGULATION ACT AMENDMENT ACT

(Chapter 24)

This Act amends *The Coal Mines Regulation Act*, being chapter 8 of the Statutes of Alberta, 1945.

Paragraph (i) of section 3 which defines Chief Inspector is struck out; paragraph (j) is renumbered as paragraph (i); and a new paragraph (j) which defines the Director of Mines, is added.

Paragraph (v) of section 3 is amended so that it now refers to the Minister

of Mines and Minerals because of the decision to divide the Department of Lands and Mines into the Department of Lands and Forests and the Department of Mines and Minerals.

The title of the Chief Inspector and the Chief Inspector of Mines is changed to the Director of Mines throughout the Act.

This Act came into force on April 1, 1949.

COARSE GRAIN MARKETING CONTROL ACT

(Chapter 25)

This is a new Act.

Its purpose is to provide for the regulation of the marketing of coarse grain locally within the Province.

"Coarse grain" for the purpose of this Act is defined as meaning oats, barley and any oat product or barley product. The terms "oat product" and "barley product" are also defined.

The Act prohibits producers from selling coarse grain in the Province for delivery within the Province to any person other than the Canadian Wheat Board. All persons other than The Canadian Wheat Board are prohibited from purchasing coarse grain within the Province for delivery within the Province. Exception to these general prohibitions may be made by regulations of the Lieutenant Governor in Council. An exception is also provided in the case of a producer selling to an owner or producer of live stock or poultry who is purchasing the coarse grain for his own use.

The Lieutenant Governor in Council is empowered to make regulations excluding any kind of coarse grain or any grade or quality of coarse grain from the provisions of the Act either in whole or in part and either generally or for any period.

A penalty for contravention of the Act is provided amounting to a maximum of five hundred dollars fine or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Any contract or agreement for the sale, purchase or transportation of coarse grain in contravention of the Act is void.

The Act does not apply to the sale or purchase of coarse grain for delivery in another Province or outside of Canada.

This Act is to come into force upon Proclamation.

COMPANIES ACT AMENDMENT ACT

(Chapter 26)

This Act amends *The Companies Act*, being chapter 240 of the Revised Statutes of Alberta, 1942.

Section 19 of the Act is amended by adding a new subsection (4) which makes it clear that a company has the power, subject to the provisions of its memorandum of association, to dispose of its entire undertaking if the company is in favour of doing so. As the section stands at present the company is limited in this power and it is doubtful if the company, even in the final disposition of its assets has power to sell its property and undertakings.

Section 151 of the Act is deleted. This will permit cities, towns, villages and municipalities to impose a license fee on companies registered under this Act if the charter or statute governing the city, town, village or municipality authorizes it to do so.

Section 254 is amended by adding the words "and ten cents" after the word "dollar" in subsection (1) to make the fee payable under section 254 correspond with that shown in the Third Schedule to the Act.

This Act came into force on March 29, 1949.

CO-OPERATIVE MARKETING ASSOCIATIONS GUARANTEE ACT AMENDMENT ACT

(Chapter 27)

This Act amends *The Co-operative Marketing Associations Guarantee Act*, being chapter 252 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by the addition of a new subsection (4). The effect of the amendment is that where two or more guaranteed borrowings of an association are outstanding and unpaid the Provincial Treasurer, with the approval of the Lieutenant Governor in Council, may authorize the consolidation of these borrowings and may authorize a further borrowing to be included in the consolidation for the purpose of retiring outstanding indebtedness, and may guarantee the payment of the consolidated borrowing.

The period for the repayment of the consolidated borrowing shall not exceed either the longest unexpired term of any of the guaranteed borrowings so consolidated or the period of ten years whichever is the longer.

This Act came into force on March 29, 1949.

CORPORATIONS TAXATION ACT AMENDMENT ACT

(Chapter 28)

This Act amends *The Corporations Taxation Act*, being chapter 41 of the Revised Statutes of Alberta, 1942.

Section 41 is amended. At present this section prohibits a city, town, village or municipal district from requiring that any company or its agents take out a license, authorization or permit for doing business or establishing agencies in the city, town, village or municipality, as the case may be, if the company has paid a tax under this Act. This restriction is removed from the amended section.

This Act came into force on March 29, 1949.

CROWN CULTIVATION LEASES ACT AMENDMENT ACT

(Chapter 29)

This Act amends *The Crown Cultivation Leases Act*, being chapter 72 of the Revised Statutes of Alberta, 1942.

Section 2 is amended so that it does not apply to leases issued under the authority of *The Land Clearing and Breaking Projects Act*. It is also

amended by the addition of a reference to leases issued under the provisions of *The Public Lands Act*. As a result of the division of the Department of Lands and Mines into two new Departments a new Act, *The Public Lands Act*, is being enacted in substitution for *The Provincial Lands Act*, and in the future Crown cultivation leases will be granted under the provisions of *The Public Lands Act*. The reference to *The Social Services Tax Act* is also struck out as this Act has been repealed.

Section 3 is struck out and a new section is substituted. The new section contains references to the Minister of Lands and Forests by whom this Act will now be administered rather than the Minister of Lands and Mines. The latter part of the section is also amended. The purpose of the amendment is to make it clear that where the rental has been fixed as a share of the crop greater than one-eighth the percentage payable to the municipal district, improvement district or school district, as the case may be, shall be a percentage of the one-eighth share of the crop and not of the greater share of the crop.

This Act came into force on April 1, 1949.

CROWN PROPERTY MUNICIPAL GRANTS ACT

(Chapter 30)

This is a new Act.

The Act defines "Crown commercial enterprise" as including The Alberta Liquor Control Board and Marketing Services Limited. It also defines "Crown property" as meaning any property belonging to the Crown in the right of the Province which is occupied by any Crown commercial enterprise or by any person, firm, corporation, board, Crown corporation or other agency of the Crown that pays rent to the Department of Public Works.

Section 3 of the Act enables the Provincial Treasurer to pay to each municipality in lieu of taxes on Crown property such amount as may be approved by the Lieutenant Governor in Council.

Section 4 provides that all moneys payable by the Provincial Treasurer

under this Act shall be paid out of moneys appropriated by the Legislative Assembly for that purpose.

This Act came into force on March 29, 1949.

**CULTURAL DEVELOPMENT ACT
AMENDMENT ACT**

(Chapter 31)

This Act amends *The Cultural Development Act*, being chapter 9 of the Statutes of Alberta, 1946.

Section 7 of the Act is struck out and a new section is substituted. Under the old section members of a board could only be paid their actual out-of-pocket expenses. Members of these boards receive no remuneration and they are frequently away from their businesses or places of employment while voluntarily engaged on the work of their board. It is desirable that provision should be made to compensate them to some degree for the services they render by authorizing the payment of subsistence to them while they are engaged on the work of the board. The amended section provides that the Lieutenant Governor in Council may from time to time authorize the payment of such subsistence allowances and travelling expenses as may be deemed proper and expedient.

This Act came into force on March 29, 1949.

DEFAMATION ACT AMENDMENT ACT

(Chapter 32)

This Act amends *The Defamation Act*, being chapter 14 of the Statutes of Alberta, 1947.

The Defamation Act is a uniform Act which was prepared by the Conference of Commissioners on Uniformity of Legislation for Canada and recommended to all of the provinces for enactment. Alberta enacted the uniform Act.

At the 1948 meeting of the Uniformity Conference the amendments contained in this Act were adopted by the Uniformity Conference and recommended to the various provinces for enactment.

The definition of "Newspaper" in paragraph (c) of section 2 is amended. The amended definition has the word "news" substituted for the expression "public news" as newspapers contain many items relating to births, marriages, social affairs, etc., which are news although more or less private in nature. The words "pictures or illustrations" are added to the list of things contained in a newspaper.

Sections 4 and 5 are amended slightly for purposes of clarification of the wording without in any way changing the meaning or intention.

Section 9 is amended so that the procedure set out conforms to earlier sections of the Act. The court or jury, as the case may be, is empowered to assess damages but in section 9 as originally drafted a reference to the court was omitted. The section has been amended to refer to the court or jury.

Section 10 is amended. Subsection (1) provides that reports of certain meetings are privileged. This subsection is amended by adding to the list of reports which are privileged a fair and accurate report of a meeting of commissioners authorized to act by or pursuant to statute or other lawful authority.

The present subsection (3) of section 11 has been renumbered as section 12.

Section 13 is amended. The section originally required five days' notice of intention to bring an action and this period has been extended to seven days. The word "language" has been struck out and the expression "defamatory matter" has been substituted because this latter expression has been used twice previously in the section when referring to the same thing.

Section 18 is amended. Newspapers enjoy certain advantages if the name of the proprietor and publisher and the address of publication are stated in the newspaper either at the head of the editorials or on the front page. Many newspapers are published with a different format which has the required information published in a conspicuous place though not at the head of the editorials or on the front page. As long

as such information is published in a conspicuous place it is desirable that the newspaper should have the advantage of this section.

This Act came into force on March 29, 1949.

**DEPARTMENT OF EDUCATION ACT
AMENDMENT ACT**

(Chapter 33)

This Act amends *The Department of Education Act*, being chapter 10 of the Revised Statutes of Alberta, 1942.

Section 9 of the Act is amended by striking out the words "one hundred and fifty thousand dollars" where they occur in the proviso to subsection (2) thereof and by substituting the words "four hundred thousand dollars". Section 9 presently empowers the Minister of Education to print and publish school books and to purchase school books and school supplies and to sell the same to school districts or divisions, etc. Under subsection (2) the present maximum advance authorized for the purpose of such printing and publishing is one hundred thousand dollars. The purpose of the amendment is to increase the authorized advance to four hundred and fifty thousand dollars so as to provide adequate working capital for the School Books Branch of the Department of Education.

This Act came into force on March 29, 1949.

**DEPARTMENT OF MINES ACT
AMENDMENT ACT**

(Chapter 34)

This Act amends *The Department of Mines Act*, being chapter 3 of the Statutes of Alberta, 1948.

The long title is amended so that the Act will be described in the long title as "An Act to Create a Department of Mines and Minerals."

Section 1 of the Act is amended so that the short title of the Act will be "*The Department of Mines and Minerals Act.*"

Sections 2, 3 and 6 are amended to refer to the Minister or the Department of Mines and Minerals rather than as at present to the Minister or the Department of Mines.

The foregoing amendments are necessary because it is desired to have the Minister and the Department called the Minister of Mines and Minerals and the Department of Mines and Minerals.

This Act came into force on April 1, 1949.

DEPARTMENT OF MUNICIPAL AFFAIRS ACT

(Chapter 35)

This Act amends *The Department of Municipal Affairs Act*, being chapter 12 of the Revised Statutes of Alberta, 1942, by adding a new section 15a.

When a new village or a new municipal district is formed, as of a fixed date, there is necessarily a period of time occupied by the procedure of advertising, nominating and electing a first council. During this period the municipality exists without a local government. The amendment provides a method of overcoming this difficulty by enabling the Minister to appoint an administrator to act until the first council is sworn into office.

This Act came into force on March 29, 1949.

DOMESTIC ANIMALS ACT (MUNICIPALITIES) AMENDMENT ACT

(Chapter 36)

This Act amends *The Domestic Animals Act (Municipalities)*, being chapter 91 of the Revised Statutes of Alberta, 1942.

Section 44 of the Act is amended by increasing the charges which a pound-keeper is entitled to collect on account of animals impounded.

Section 58 is amended by increasing the fees payable to a poundkeeper in respect of the sale of any impounded animals.

This Act came into force on March 29, 1949.

DOMESTIC ANIMALS (UNORGANIZED TERRITORY) ACT AMENDMENT ACT

(Chapter 37)

This Act amends *The Domestic Animals (Unorganized Territory) Act*, being chapter 92 of the Revised Statutes of Alberta, 1942.

Sections 19 (2) and (3), 37 and 71 (1) and (2) are amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from these sections of the Act.

Sections 46, 57, 68, 82 and 87 are amended by increasing the fees payable in respect of the finding, care and sustenance and subsequent disposal of lost or estrayed animals. This increase in fees is in compliance with a resolution received by the Department of Municipal Affairs from the Executive of the Alberta Association of Municipal Districts which requested that the Schedule of Fees under *The Domestic Animals Act (Municipalities)* be raised because of the difficulty in obtaining pound-keepers under the fees presently payable. The amendments herein would bring the fees payable under this Act into line with those which will be payable under *The Domestic Animals Act (Municipalities)* as amended.

This Act came into force on March 29, 1949.

DRAINAGE DISTRICTS ACT AMENDMENT ACT

(Chapter 38)

This Act amends *The Drainage Districts Act*, being chapter 99 of the Revised Statutes of Alberta, 1942.

Section 25 of the Act is amended by substituting the Department of Lands and Forests for the Department of Lands and Mines. The amendment is necessary because of the division of the Department of Lands and Mines into two new Departments.

Section 26 is amended by striking out the reference to the Department

of Lands and Mines and by substituting the Department of Municipal Affairs because the administration of special areas is now under the Department of Municipal Affairs.

Section 79 is amended because as a result of instructions issued by the Postmaster-General the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from this section of the Act.

This Act came into force on April 1, 1949.

EASTERN IRRIGATION DISTRICT ACT AMENDMENT ACT

(Chapter 39)

This Act amends *The Eastern Irrigation District Act*, being chapter 101 of the Revised Statutes of Alberta, 1942.

The Act is amended by adding a new section immediately after section 15. This new section provides that the Board of the district shall have, with respect to any of its ditches, dams, floodgates and other works, the right to the use of and the right of access to the land on which the works lie and the land adjacent thereto in so far as may be necessary for the maintenance and repair of the said works. Many of the ditches and canals run across privately owned lands and it is necessary for the Board to have the right to go on such lands for the purpose of repairing and maintaining the canals and ditches, etc.

The section further provides that no rent or other compensation shall be paid by the Board to any person for the exercise of its rights granted under this section to go on lands for the purpose of maintenance and repair of its works. If the Board had to pay for the right of going on to private lands in order to maintain its ditches and canals this would merely be an additional cost to be taken into consideration when fixing the water rates which would ultimately have to be paid by the owners of the lands. Other irrigation districts have similar powers with respect to the

access to and the use of lands on which their works are located.

This Act came into force on March 29, 1949, and is retroactive to April 23, 1935.

EASTERN ROCKIES FOREST CONSERVATION ADVANCES ACT REPEAL ACT

(Chapter 40)

This Act repeals *The Eastern Rockies Forest Conservation Advances Act*, being chapter 21 of the Statutes of Alberta, 1948.

This Act confirmed certain advances which had already been made and provided for a further sum as a working advance to finance certain capital expenditures. The usefulness of the Act has now expired. Further moneys required for the conservation of the forests on the east slope of the Rockies under the agreement with the Dominion which was ratified by chapter 20 of the Statutes of Alberta, 1948, will be included in the annual estimates and will be appropriated by the Legislature in the ordinary way. The Act providing for the preliminary advances is accordingly repealed.

This Act came into force on March 29, 1949.

ESTATES OF THE MENTALLY INCOMPETENT ACT AMENDMENT ACT

(Chapter 41)

This Act amends *The Estates of the Mentally Incompetent Act*, being chapter 23 of the Revised Statutes of Alberta, 1942.

It amends sections 3, 23 (2) and 23 (3) and repeals sections 25 to 42 inclusive.

Sections 1 and 2 of this Act amend the long and short titles of the Act. The present name is no longer appropriate as all provisions relating to the estates of persons who are mentally incompetent have been taken out of this Act and placed in *The Public Trustee Act*. The Act will be known in the future as *The Mentally Incapacitated Persons Act*.

Sections 3, 23 (2) and 23 (3) are amended so that where they formerly referred to other provisions of *The Estates of the Mentally Incompetent Act*, they now refer to provisions of *The Public Trustee Act*.

Sections 25 and 42 inclusive and Form A in the Schedule are struck out as they have been incorporated into *The Public Trustee Act*, a new Act which is intended to consolidate in one Act certain provisions which were formerly contained in *The Official Guardian Act*, *The Estates of the Mentally Incompetent Act*, *The Judicature Act*, and *The Trustee Act*.

This Act is to come into force on July 1, 1949.

FISH DEALERS ACT AMENDMENT ACT

(Chapter 42)

This Act amends *The Fish Dealers Act*, being chapter 12 of the Statutes of Alberta, 1944.

Section 2, paragraph (h), of the Act is amended so that it refers to the Minister of Lands and Forests rather than the Minister of Lands and Mines. This is rendered necessary because the Department of Lands and Mines is to be divided into the Department of Lands and Forests and the Department of Mines and Minerals.

Section 17 (4) (c) of the Act is amended so that it now refers to the Department of Lands and Forests instead of the Department of Lands and Mines.

This Act came into force on April 1, 1949.

FORESTS ACT

(Chapter 43)

This is a new Act to be known as "*The Forests Act*".

This new Act contains all provisions relating to disposition of timber and timber berths and the prevention of forest and prairie fires. The provisions relating to the disposition of timber and timber berths were formerly contained in *The Provincial Lands Act*. The provisions relating to the prevention of

forest and prairie fires were formerly contained in *The Forest and Prairie Fires Prevention Act* which is repealed by this new Act.

All of the legislation which will be administered by the Director of the Forests Division of the new Department of Lands and Forests is consolidated into this one new Act.

It is divided into three Parts. Part I deals with administration, Part II with disposition of timber and Part III with prevention of forest and prairie fires.

Part I of the Act deals with its administration. Sections 5 to 7 provide that the administration of all matters relating to forests and parks shall be under the jurisdiction of a Division of the Department of Lands and Forests to be known as the Forests Division. The Director is the head of the Forests Division and he supervises the work of timber cruisers, timber inspectors, forest officers, and other officers and employees of the Division.

Part II deals with disposition of timber and is found in sections 8 to 115 inclusive.

This part commences with section 8 which is an interpretation section for purposes of the Part. Sections 9 to 36 deal with timber berths and licenses to cut timber. These provisions are all similar to those presently contained in *The Provincial Lands Act*.

Sections 37 to 40 deal with special timber permits.

Sections 41 to 45 deal with those persons who are exempted from timber dues.

Sections 46 to 83 contain general provisions relating to timber, timber berths and timber licenses.

Sections 84 to 92 deal with the liability of persons cutting timber without authority.

Section 93 deals with timber infested with injurious insects and the precautionary measures required.

Section 94 deals with misconduct of sales.

The powers of the Lieutenant Governor in Council are set out in sections 95 to 98.

Seizures for non-payment of dues, etc., are provided for in sections 99 and 100. The evidence sections are 101 to 103 and the sections relating to summary proceedings in cases of forfeiture and trespass are 104 to 106. Section 107 is the offences and penalties section. All of these sections are practically unchanged from the present provisions appearing in *The Provincial Lands Act*.

Sections 108 to 115 are miscellaneous provisions relating to timber.

Part III deals with the prevention of forest and prairie fires, and is found in sections 116 to 163.

Section 118 deals with the power of the Lieutenant Governor in Council to make regulations.

Sections 119 and 120 deal with the appointment of fire guardians.

Sections 121 and 122 deal with the powers of the Minister. The Minister may restrict or extend the close season either generally or in any particular area. The Minister may also close any area of forest or prairie to travel during the closed season and forbid travel within such an area without a travel permit.

Sections 123 to 133 deal with the powers and duties of the Director, forest officers, fire guardians and other officials. Forest officers and fire guardians are empowered to require information from travellers in any forest area. The Director and fire guardians are empowered to enter lands and premises in the course of their duties. Forest officers and fire guardians may notify men between sixteen and sixty who are physically fit to proceed to and fight fires under certain circumstances set out in the Act. The reeve or deputy reeve of a municipal district is given similar powers with respect to timber, brush, prairie or ground fires in his district. Forest officers and fire guardians are empowered to order the removal of conditions which may be a danger to life or property from fire. If the order is not observed the forestry

officials may enter upon the land and remove the source of danger and the cost of any work done shall be borne and payable by the owner of the land. If officials of municipal districts become aware of conditions which may be a source of danger from fire they may report it to the Director who is required to investigate and report upon the conditions and recommend the action to be taken.

Sections 134 to 137 deal with clearing, milling and other similar woods operations. Permits are required in connection with these operations which may cause the accumulation of slash or debris. These permits may be issued or refused in the discretion of the Director and may be made subject to conditions to be prescribed by him. Precautions are prescribed which must be observed by persons conducting such operations.

Sections 138 to 146 contain various prohibitions. Persons are prohibited from setting out fire during the close season except subject to the conditions prescribed by the Act and the regulations. Persons are prohibited from travel in any closed area unless they are owners of travel permits. Safety devices are required to prevent the escape of fire from certain engines and machines and the operation of such machines without safety devices is prohibited. There are numerous prohibitions relating to the use of fire, the disposition of live coals or ashes, the accumulation of inflammable debris, etc.

Sections 147 to 157 relate to offences and penalties under Part III. These offences and penalties are similar to those contained in the present *Forest and Prairie Fires Prevention Act*.

Sections 158 to 163 contain miscellaneous provisions relating to the prevention of forest and prairie fires. There is no obligation or responsibility on the forest service to fight fires on any land. The Act in no way affects the right of any person to maintain a civil action for damages occasioned by fire. If a licensee or permittee under the Act is proved responsible for any fire he is required to bear the full cost of extinguishing it. In actions or prosecutions relating to damage through fire

the Act prescribes certain things which are deemed to be *prima facie* evidence of negligence or of responsibility for fire. These provisions also are similar to those contained in the present Act.

The Forest and Prairie Fires Prevention Act is repealed. *The Provincial Lands Act* is, of course being repealed by *The Public Lands Act* which replaces it.

This Act came into force on April 1, 1949.

FRUSTRATED CONTRACTS ACT

(Chapter 44)

This is a new Act.

The law respecting frustration of contracts has been rapidly developed, particularly as a result of cases arising during the war. For instance, an English firm which contracted to make machinery and deliver it to a Polish firm found its contract impossible of performance when the war intervened and Poland was occupied. Difficulties arose as to the right to recovery of money paid on account of the purchase price and as to the ownership of the machinery, etc. Similarly, where a concert hall was hired for a performance and before it could take place the hall was destroyed by fire, questions arose as to who should bear the loss or be entitled to the money payable under the contract which was frustrated and impossible of performance. Contracts to manufacture or sell goods are also frustrated to an increasing degree by the imposition of government controls which prevent such manufacture or sale.

The Uniformity Conference studied the law on this subject for three years and decided it would be advantageous to have a uniform law in Canada on frustrated contracts similar to the English Statute with such modifications as appear necessary or appropriate. This Act was accordingly prepared and adopted by the Uniformity Conference and has been recommended for enactment by all of the provinces of Canada.

Section 3 provides that the Act applies to all contracts governed by the law of the Province with certain exceptions which are set out in the section.

Section 4 (1) provides that money paid or payable before a contract is frustrated or becomes impossible of performance shall be recoverable or cease to be payable.

This general rule is subject to qualifications. Subsection (2) of section 4 enables the court to allow a party to retain or recover expenses incurred by him in performance of the contract before its frustration.

Subsection (3) of section 4 imposes a duty on a party to a contract who has received a valuable benefit from the contract before its frustration to pay for the benefit received.

Subsections (4) and (5) of section 4 relate to the application of the above rules in determining what is a benefit under subsection (3) and in dealing with sums payable under contracts of insurance.

Subsection (6) of section 4 provides that where a contract contains special provisions relating to frustration of that contract the court shall give effect to this Act only to the extent that it is consistent with the special provisions of the contract.

Subsection (7) of section 4 provides that in the case of a contract where a part of the contract has been performed which can be severed, such part may be treated as a complete contract and this Act will apply only to the remainder of the contract which is frustrated.

This Act came into force on March 29, 1949.

GAOLS AND PRISONS ACT AMENDMENT ACT

(Chapter 45)

This Act amends *The Gaols and Prisons Act*, being chapter 127 of the Revised Statutes of Alberta, 1942.

The administration of prisons and gaols was transferred from the Department of Public Works to the Department of the Attorney General by Order in Council passed under the authority of section 8 of *The Public Service Act* on May 19th, 1948.

Section 8 of *The Gaols and Prisons Act* is accordingly amended to refer to the Attorney General rather than the Minister of Public Works.

This Act came into force on March 29, 1949.

GARAGEMEN'S LIEN ACT AMENDMENT ACT

(Chapter 46)

This Act amends *The Garagemen's Lien Act*, being chapter 233 of the Revised Statutes of Alberta, 1942.

Section 2 (a), which defines the term "garageman" is struck out and a new definition is substituted. Under the new definition "garageman" means any person who keeps a place of business for the housing, storage or repair of any motor vehicle and who receives compensation for the housing, storage or repair. Under the existing definition a garageman was restricted to a person who receives compensation for the housing or storage of a motor vehicle. A person who repaired or maintained a large industrial motor vehicle was not a garageman within the meaning of the Act unless he kept the vehicle in a storage place for which he received compensation.

Section 2 (b), which defines the term "motor vehicle" is deleted and replaced by a new definition. The new definition changes the meaning of "motor vehicle" to include aeroplanes and to exclude tractors used for agricultural purposes from the application of the Act.

This Act came into force on March 29, 1949.

GEOGRAPHICAL NAMES ACT

(Chapter 47)

This is a new Act to be known as "*The Geographical Names Act*".

The Act provides for the appointment of a Board consisting of the Director of Surveys for the Province, the Provincial Librarian, and not more than three other members who may be appointed by the Lieutenant Governor in Council to be known as the "Geographic Board of Alberta". The Board is required to gather, collate and record in-

formation respecting the names of places and other geographical features within the Province. The Board consults with and advises government departments, municipalities, railway companies and other bodies or persons concerned with the selection of place names regarding the suitability of proposed names for new townsites, post offices, railway stations, etc. The Board is required to try to eliminate alternative or duplicated names and to establish correct or preferred spellings of established names. It will also supply information regarding geographical names to government departments, cartographers, publishers, etc.

All names of places and other geographical features within the Province which are approved by the Geographic Board of Alberta and the Canadian Board on Geographical Names are declared to be the duly authorized names for all official and legal purposes, and all other alternative names shall have no official or legal status. The official name becomes effective upon the publication of a notice in *The Alberta Gazette*.

Members of the Board serve without remuneration but may be paid subsistence allowances and travelling expenses incurred in attending Board meetings and in the execution of their duties as Board members.

The Act requires the Board to prepare annually a report for the Minister.

This Act came into force on April 1, 1949.

GRAZING LEASE TAXATION ACT AMENDMENT ACT

(Chapter 48)

This Act amends *The Grazing Lease Taxation Act*, being chapter 47 of the Revised Statutes of Alberta, 1942.

Section 2 (b) which defines "Minister" is amended to refer to the Minister of Lands and Forests as the new Department of Lands and Forests is taking over the administration of this Act.

Section 6 (2) is amended. At the present time the proceeds of the grazing

lease tax are distributed by giving one-fourth to the municipality or improvement district and one-fourth to the Provincial Treasurer for expenditure on school grants under the direction of the Minister of Education. The effect of the amendment is to give one-half of the tax to the municipal district or improvement district in which the land is located and the remaining half to the Provincial Treasurer for expenditure on school grants under the direction of the Minister of Education.

This Act came into force on April 1, 1949.

HOSPITALS ACT AMENDMENT ACT

(Chapter 49)

This Act amends *The Hospitals Act*, being chapter 184 of the Revised Statutes of Alberta, 1942.

Section 2 (e) which defines the term "local authority" is amended. The former reference to the Minister of Lands and Mines has been taken out and the Minister of Municipal Affairs has been substituted. This change is necessary because the administration of special areas has now been transferred from the Department of Lands and Mines to the Department of Municipal Affairs. It is also amended to define the Minister of Public Welfare as the local authority with respect to any transient person.

Section 5 (3) is amended by striking out Rule 3 and substituting a new draft of Rule 3. Rule 3 is one of the rules for determining residence of persons applying for material aid or hospitalization, etc. Rule 3 determines who qualifies as a transient person for purposes of hospitalization. Rule 3 in this Act is amended to correspond exactly with the equivalent rule in the three Municipal Acts. Any person who has not resided for twelve months out of the twenty-four immediately preceding months within a municipality is deemed to be a transient for whom the Minister of Public Welfare is deemed to be responsible.

Section 5 (5) is amended. This section provides that the local authority is liable to pay a hospital for the treat-

ment of indigent sick residents of that local authority in cases of sudden and urgent necessity if the hospital notifies the local authority by a notice in writing. The purpose of the amendment is to require the hospital to send the notice within ten days of the date of admission of the indigent sick person and the notice is to be sent to the local authority named by or on behalf of the indigent sick person as his place of residence.

Section 6 which relates to the liability of local authorities for hospitalization is amended by increasing the limitation in subsection (4) from two hundred dollars to three hundred dollars. The effect of this amendment is that the local authority will be liable to pay to the hospital up to a maximum of three hundred dollars per year for the care and treatment of any indigent sick person hospitalized.

Section 7 is similarly amended by changing the words two hundred dollars to three hundred dollars.

This Act came into force on March 29, 1949.

**IMPROVEMENT DISTRICTS ACT, 1947,
AMENDMENT ACT**

(Chapter 50)

This Act amends *The Improvement Districts Act, 1947*, being chapter 9 of the Statutes of Alberta, 1947.

Section 2 (a) which defines the term "Assessor" is amended. The definition presently refers to the duties of an assessor prescribed by this Act. As the duties of an assessor are prescribed by *The Assessment Act* the reference in the definition is changed accordingly.

Section 2 (p) (i) is amended to broaden the definition of the term "Parcel". The amendment brings within the definition a block which has not been subdivided into lots.

A new paragraph (s) has been added to section 2 defining the term "School District". The definition includes school districts which are not included in divisions and school divisions. Certain sections of the Act which refer only to school districts were intended to

apply to school divisions also and the addition of this definition overcomes the difficulty.

Section 8 is amended by striking out the reference to a business tax. This implements the recommendation contained in the Judge Report that the business tax be confined to towns and villages.

Section 10 is similarly amended by striking out subsections (2) and (3) which refer to the business tax.

Section 11 is amended by striking out references to business assessment and taxation.

A new section 11a is added immediately after section 11. This section enables the Minister to enter into an agreement with any approved hospital for the care and treatment of residents of an improvement district. The section provides for the levy of a special tax on property to defray the costs of any such agreement.

Section 12 (3) has been struck out and a new subsection has been substituted. The wording of the new subsection has been clarified without in any way changing the present meaning.

It makes it clear that the reference to a tax paid means a tax paid to another improvement district.

A new section 13a is added immediately after section 13. This section provides for a minimum tax for hospital agreement purposes similar to the minimum tax for school purposes. This new section is very similar to section 14 of *The Improvement Districts Act*, being chapter 152 of the Revised Statutes of Alberta, 1942, which was repealed in 1947 and replaced by the present Improvement Districts Act.

Section 14 is amended by the addition of a reference to the new section 13a.

Section 16 is amended by striking out references to the business tax.

Section 18 is repealed. This section provides for the off-set of the tax on improvements against the business tax. As the business tax is no longer to be levied and collected in improvement

districts in accordance with the recommendation of the Judge Report this section is no longer of any value.

Section 30 is amended by striking out subsection (2) and substituting a new subsection. The amended subsection requires an insurer to notify the Deputy Minister of Municipal Affairs of the loss by fire of any insured property situated within an improvement district as promptly as possible after notice of loss but in any event within forty-eight hours of receiving formal proof of loss under the policy. It is frequently impossible for the insurer, within forty-eight hours of notice of loss, to send in the information which the subsection presently requires. However, it is possible for the insurer to do so when formal proof of loss has been filed. The effect of the amendment is that the insurer has to give the information within forty-eight hours of receiving formal proof of loss rather than within forty-eight hours of receiving notice of the loss.

Section 30 (3) is also amended. This subsection refers to receipt of a notice from the insured. This is an error and should refer to the receipt of the notice from the insurer and the subsection is amended accordingly.

Section 32 which refers to a distress warrant issued pursuant to section 30 is amended. The distress warrant is issued pursuant to section 31 and this reference is amended accordingly.

Section 44 is amended by striking out the reference to *The Social Services Tax Act* which has now been repealed.

Section 45 is amended by making changes in subsection (3) (c), subsection (4) Rule 3 and subsection (8). Rule 3 of the rules for determining residence found in subsection (4) has been changed so that any person who has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled by a local authority shall be deemed to be a transient person. The Department of Public Welfare is assuming responsibility for transient persons as defined in the new Rule 3 and subsection (3) (c) and subsection (8) are amended accordingly. The effect of

these amendments is that the Department of Public Welfare assumes responsibility for the maintenance of indigents who are transients and for their care and treatment when sick.

This Act came into force on March 29, 1949.

IRRIGATION DISTRICTS ACT AMENDMENT ACT

(Chapter 51)

This Act amends *The Irrigation Districts Act*, being chapter 98 of the Revised Statutes of Alberta, 1942.

Section 72 of the Act is amended because as a result of recent instructions issued by the Postmaster-General the consent of a Postal Inspector must now be obtained before a notice may be posted in a post office. As this consent cannot always be obtained the mandatory requirement is being removed from this section of the Act.

This Act came into force on March 29, 1949.

IRRIGATION PROJECTS ACT

(Chapter 52)

This is a new Act to be known as "*The Irrigation Projects Act*".

The Act enables the Lieutenant Governor in Council to enter into an agreement or agreements with the Government of the Dominion providing for the development of irrigation projects and the construction and maintenance of irrigation works within the Province, and providing for the payment by Alberta of a portion of the costs.

The Lieutenant Governor in Council is authorized to expend moneys not exceeding a total of two million dollars under any such agreement or agreements.

For the purpose of carrying into effect the provisions of the Act the Minister of Water Resources and Irrigation is charged with its administration.

This Act came into force on March 29, 1949.

JUDICATURE ACT AMENDMENT ACT

(Chapter 53)

This Act repeals sections 45 to 52 inclusive of *The Judicature Act*, being chapter 129 of the Revised Statutes of Alberta, 1942.

Sections 45 to 52 inclusive of *The Judicature Act* are no longer a necessary part of that Act in as much as the sections being repealed have been incorporated in *The Public Trustee Act*, a new Act which is intended to consolidate in one Act provisions which were formerly found in *The Official Guardian Act*, *The Estates of the Mentally Incompetent Act*, *The Judicature Act* and *The Trustee Act*.

This Act is to come into force on July 1, 1949.

KING'S PRINTER ACT AMENDMENT ACT

(Chapter 54)

This Act amends *The King's Printer Act*, being chapter 25 of the Revised Statutes of Alberta, 1942.

Section 9 of the Act is amended. The Provincial Treasurer at present may advance from time to time such sums of money as are required by the King's Printer as long as the net amount of such advances does not exceed at any time the sum of \$70,000.00. The amendment would increase the amount to \$200,000.00.

This Act came into force on March 29, 1949.

LAND CLEARING AND BREAKING PROJECTS ACT

(Chapter 55)

This Act amends *The Land Clearing and Breaking Projects Act*, being chapter 11 of the Statutes of Alberta, 1948.

Section 2 of the Act is amended to bring it within the purview of the Minister of Lands and Forests and the Department of Lands and Forests.

Section 6 is amended so that it will refer to *The Public Lands Act* which replaces *The Provincial Lands Act*.

This Act came into force on April 1, 1949.

LAND TITLES ACT AMENDMENT ACT
(Chapter 56)

This Act amends *The Land Titles Act*, being chapter 205 of the Revised Statutes of Alberta, 1942.

A new section 52a is added immediately after the present section 52. Cases have arisen where undivided fractional interests in minerals less than an undivided one five-hundredth of the whole interest have been presented for registration. In one case approximately fifteen hundred transfers of different undivided fractional amounts were issued in respect of one piece of land. In such a case it becomes all but impossible to properly determine assurance and increment values. Also extremely difficult administrative problems are created if several hundred people have registerable interests in one parcel of land which interests can be transferred, encumbered, protected by caveat, and otherwise dealt with, all of which dealings are required to be recorded on the title to the parcel. The likelihood of error is greatly increased and it appears to be in the public interest to prevent registration of small undivided fractional interests in mineral rights. Section 8 of *The Companies Act* prohibits unincorporated organizations such as partnerships, syndicates, etc., having a membership in excess of twenty. This new section accordingly gives the Registrar a discretion to refuse registration of undivided fractional interests in minerals in any parcel which are less than one-twentieth of the whole interest in any mineral contained in that parcel. Of course, parcels may be divided and subdivided into smaller parcels. However, in any given parcel not more than twenty undivided fractional interests in minerals need be registered. Smaller interests may be adequately protected by trust deeds, syndicate agreements, or other contracts.

Section 61 is amended. This section presently provides that the land in any certificate of title by implication and

without any special mention in the title itself is subject to certain reservations and implied conditions which are listed in the section, unless the contrary is expressly declared. Among the items listed are subsisting reservations or exceptions contained in the original grant of the land from the Crown. The section is amended by striking out the words "unless the contrary is expressly declared".

Section 61 (1) (a) deals with subsisting reservations or exceptions contained in the original grant of the land from the Crown. The words "including royalties" are added immediately after the word "exceptions" to make it clear that royalties which are reserved in the original grant of the land from the Crown are regarded as reservations.

Section 137 is amended. A new subsection (3) is added to this section which requires the person who causes a notice to be served as a result of which a caveat will lapse after the expiration of sixty days to prove to the satisfaction of the Registrar not only that the notice has been served but that he has an interest in the land, mortgage, or incumbrance against which the caveat was lodged. Cases have arisen where a person has served a notice under section 137 who has no interest whatsoever in the piece of land against which a caveat has been lodged. The result is that the caveator is required to take proceedings to have his caveat continued, by reason of an application by a person who has no interest whatsoever in the land against which the caveat was filed, and who consequently has no right to have the caveat removed. This results in unnecessary expense and inconvenience to the caveator. Only a person who has an interest in the land should be entitled to send out such a notice and the amendment provides that the Registrar must be satisfied of this before a caveat is lapsed under this section.

Section 167 (b) is amended. The section presently prohibits an action for damages against the Registrar by reason of any error, omission or misdescription unless it is brought within six years of the time when the error, omission or misdescription was first known or discovered. The effect of the

amendment is to limit the time for bringing the action to within six years of the time when the error, omission or misdescription was made.

A new section 167a is added immediately after section 167. This section provides that in any action against the Registrar for loss or damage sustained by reason of any error, omission or misdescription relating to mines and minerals, the claimant shall be entitled to recover as liquidated damages the money actually paid out by him for the interest in mines and minerals and such further sum not exceeding five thousand dollars for any present or prospective loss of profit, if any, sustained by him in his dealings with mines and minerals.

Section 174 is struck out and three new sections are substituted. Under the provisions of section 61 the land mentioned in any certificate of title is by implication subject to certain reservations and implied conditions which are listed in the section. These reservations and implied conditions exist without the necessity of any specific mention of them in the certificate of title. The new section 174 makes it clear that the Registrar may indorse on a certificate of title the reservations contained in the original grant from the Crown to which the title is declared to be subject by virtue of section 61. If these subsisting reservations are indorsed on the title itself the public in dealing with the land is more likely to have knowledge of the reservation than if it is declared in the statute only. Indorsements of this nature made by the Registrar prior to the coming into force of this Act to notify the public of subsisting Crown reservations are validated.

The two new sections 174a and 174b, apart from renumbering and slight rewording for the purpose of clarifying the intention, are practically the same as the present section 174.

A new section 189a is added immediately after section 189. This section provides that every disposition by sale, lease, assignment, agreement or other instrument by which a registered owner disposes of his interest in mines and minerals, which disposition is executed

after the twenty-ninth day of March, 1949, is void until there is attached to the disposition a Certificate issued by the Registrar. The section sets out the contents of the Certificate which must contain, among other things, a statement that the interest in minerals dealt with in the disposition is registered in the name of the person purporting to execute the disposition. These provisions do not apply to a disposition of the surface of land or to a disposition of the surface of land including mines and minerals but apply only to dispositions of mines and minerals.

This Act came into force on March 29, 1949, and upon so coming into force any memorandum or indorsement made by the Registrar on any certificate of title, duplicate certificate or other instrument expressly declaring it to be subject to the reservations including royalties contained in the original grant from the Crown is ratified, confirmed and validated.

LEGAL PROFESSION ACT AMENDMENT ACT

(Chapter 57)

This Act amends *The Legal Profession Act*, being chapter 294 of the Revised Statutes of Alberta, 1942.

Two new sections are added to the Act, one being immediately after section 74 and the other being immediately after section 79. The purpose of the amendment is to prevent disbarred solicitors from continuing to practise indirectly by accepting fees for legal services performed as the agent of some other person.

This Act came into force on March 29, 1949.

LEGISLATIVE ASSEMBLY ACT AMENDMENT ACT

(Chapter 58)

This Act amends *The Legislative Assembly Act*, being chapter 4 of the Revised Statutes of Alberta, 1942.

Section 10 (2) is amended by substituting a reference to the new Minister of Lands and Forests and Minister of Mines and Minerals for the former

reference to the Minister of Lands and Mines and by adding references to the Minister of Public Welfare, Minister of Industries and Labour and the Minister of Economic Affairs.

Section 11 (2) and (3) are each amended to delete references to the Alberta Government Insurance Office which has now been replaced by the Alberta General Insurance Company and The Life Insurance Company of Alberta.

Section 11 (2) is also amended by adding a reference to persons in receipt of an old age pension. Persons who receive public money from the Government or any Department for goods or services supplied under any contract with the Government are not eligible to sit in the Legislative Assembly, with certain exceptions. This amendment creates a further exception so that a person who renders medical or health services or sells goods to an old age pensioner is not thereby disqualified from sitting in the Legislative Assembly.

Section 54 which provides for the allowances paid to members of the Legislature as sessional indemnity and expenses is struck out and a new section is substituted. The section presently provides for a sessional indemnity of one thousand four hundred dollars for members of the Assembly, other than members of the Executive Council who receive one thousand two hundred dollars. The amendment increases the sessional indemnity for all members including the Executive Council, to two thousand dollars. The allowance for expenses is similarly increased for all members from six hundred dollars to one thousand dollars.

For absence in excess of five days the daily deductions from these allowances are increased to fourteen dollars per day from the sessional indemnity allowance and to seven dollars per day from the expense allowance. Similarly, when a member attends less than half the days in any session his daily allowance for the days of his attendance is increased from ten to fourteen dollars per day as sessional indemnity allowance and to seven dollars per day as an expense allowance.

Where a member is absent as a result of illness he continues to receive his sessional indemnity allowance and his expense allowance as though he were present.

Subsection (3) of section 54 provides for an increase of five hundred dollars in the annual compensation payable to the President of the Executive Council and for an increase of one thousand dollars in the annual compensation payable to each other member of the Executive Council.

Section 55 is amended to provide for advances on account of sessional indemnity and expenses at the new rate, namely, fourteen dollars per day for sessional indemnity and seven dollars per day for expenses.

Section 56 is amended. This section deals with the allowances payable to members who are elected after the commencement of a session or cease to be members during a session. This section is similarly amended to provide that deductions from the allowances for days of absence are at the rate of fourteen dollars per day from the sessional indemnity allowance and at the rate of seven dollars per day from the expense allowance.

This Act came into force on March 29, 1949, and is retroactive to January 1, 1949.

LIFE INSURANCE COMPANY OF ALBERTA ACT AMENDMENT ACT

(Chapter 59)

This Act amends *The Life Insurance Company of Alberta Act*, being chapter 10 of the Statutes of Alberta, 1948.

Section 26 (2) is amended by striking out paragraph (a) and substituting a new paragraph. The purpose of the amendment is to make it clear that the moneys due and owing from time to time by the Company to the Province are required to be repaid in accordance with the terms and conditions as to repayment determined by the Lieutenant Governor in Council under section 19 at the time the advance provided for in that section was made.

This Act came into force on March 29, 1949.

LIVE STOCK DISEASES ACT AMENDMENT ACT

(Chapter 60)

This Act amends *The Live Stock Diseases Act*, being chapter 10 of the Statutes of Alberta, 1946.

The purpose of the amendments is to provide more adequate means for the eradication of bovine Brucellosis, commonly known as Bang's disease.

Section 2, being the interpretation section, is amended by the addition of definitions defining "Brucellosis", "cattle", "reacting cattle", "restricted area", and "vaccinated cattle".

Section 3 of the Act, which is the section enabling the Lieutenant Governor in Council to make regulations, is amended by giving the Lieutenant Governor in Council additional powers relating to regulations for the prevention, control and eradication of Brucellosis.

Several new sections are added immediately following section 3 of the Act relating to the control and eradication of Brucellosis.

Section 3a provides for the establishment of a Brucellosis restricted area for the eradication of Brucellosis. Two-thirds of the owners of cattle in any municipal district or improvement district may present a petition to the Minister of Agriculture requesting the establishment of a restricted area in that municipal district or improvement district. The petition must be signed by the reeve and secretary of the municipal district, or in the case of an improvement district, by the Minister or Deputy Minister of Municipal Affairs. The Act sets out what information the petition must contain. The Minister of Agriculture upon the receipt of a petition may recommend to the Lieutenant Governor in Council the establishment of a restricted area. The Order in Council establishing a restricted area is published in *The Alberta Gazette* and in a newspaper circulating in the restricted area.

Section 3b provides that the Agricultural Service Board in any municipal district or improvement district in

which a restricted area is established shall administer this Act and the regulations in the restricted area. The council of the municipal district in which the restricted area is established and the Minister of Agriculture may each contribute to the funds required by the Agricultural Service Board in the administration of the restricted area.

Section 3c requires all cattle in a restricted area to be tested for Brucellosis.

Section 3d sets out the powers of inspectors under the Act. Any inspector may enter premises in a restricted area where cattle infected with Brucellosis are kept for the purpose of making an inspection. The inspector may quarantine premises within a restricted area where infected cattle are kept and may prevent the removal of all hay, straw and other litter. The inspector is required to quarantine infected cattle and to order the permanent marking of such cattle by a brand on the right jaw.

Section 3e deals with the permanent marking of infected cattle by means of brands.

Section 3f enables the Minister, upon the receipt of a report from an inspector or from an Agricultural Service Board administering a restricted area to the effect that Brucellosis exists on any premises, to order the owner or occupier of the premises to clean and disinfect them at his own expense. The Agricultural Service Board administering the restricted area may be ordered to take the necessary action and if so, it may recover its costs of cleaning and disinfecting the premises from the owner or occupier of them.

Section 3g provides that quarantined cattle are at the risk of the owner and that the inspector quarantining cattle or other property shall immediately notify the owner in writing.

Section 3h exempts the Minister or any member of an Agricultural Service Board, or any inspector or other person acting under the authority of this Act from liability for any act done or performed in good faith.

Section 3i prohibits any person from selling milk for human consumption

from any reacting cattle or quarantined cattle unless the milk is pasteurized.

Section 7a is amended by striking out subsection (1). This subsection defines "Brucellosis". As this definition now appears in the interpretation section of the Act, it is no longer necessary in section 7a.

This Act came into force on March 29, 1949.

LLOYDMINSTER HOSPITAL ACT AMENDMENT ACT

(Chapter 61)

This Act amends *The Lloydminster Hospital Act*, being chapter 19 of the Statutes of Alberta, 1948.

Sections 42 and 46 of the Act are amended so that instead of it being necessary to post the notices referred to in at least two widely separated places and in all post offices, it is now necessary to post the notices in at least three widely separated places in each polling division.

This amendment is rendered necessary by the ruling of the Postmaster-General that the consent of a Post Office Inspector must be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from the Act.

This Act came into force on March 29, 1949.

MARGARINE ACT

(Chapter 62)

This is a new Act to be known as "*The Margarine Act*".

Section 3 prohibits the offering for sale or selling of any margarine which is not wrapped and packaged in such a way as to clearly indicate that it is margarine.

Section 4 provides that no person may have in his possession for sale, or sell or offer for sale any margarine containing over sixteen per cent of moisture or less than eighty per cent of fat.

Section 5 provides that no person shall offer for sale, sell, have in his possession for sale or serve in any public eating place within the Province margarine which is coloured the natural colour of butter or any shade of yellow that might cause it to be mistaken for butter.

Section 6 provides that in any public eating place where margarine is served, the public will be advised by notice either on the menu or on a placard prominently displayed on the premises.

Section 7 enables the Lieutenant Governor in Council to make any regulations deemed necessary or expedient, and in particular to define grade descriptions and grade standards of margarine.

Section 8 provides penalties for violations of the Act.

This Act is to come into force on May 1, 1949.

MATERNITY HOSPITALIZATION ACT AMENDMENT ACT

(Chapter 63)

This Act amends *The Maternity Hospitalization Act*, being chapter 9 of the Statutes of Alberta, 1944.

Section 5 of the Act is amended. Under section 5 a woman is entitled to free maternity hospitalization if she has been a resident of the Province for twelve months out of the twenty-four months immediately preceding her admission, and is a resident at the time of her admission. Many cases have arisen where a man, who is a resident of the Province, marries a woman who is not a resident of the Province. If a child is born before the woman has resided in the Province for twelve consecutive months the husband will have to pay for her hospitalization, notwithstanding that he himself has resided within the Province all his life. The purpose of this amendment is to extend the scope of the free maternity hospitalization to cover such cases.

This Act came into force on March 29, 1949.

MECHANICS' LIEN ACT AMENDMENT ACT

(Chapter 64)

This Act amends *The Mechanics' Lien Act*, being chapter 236 of the Revised Statutes of Alberta, 1942.

Section 11b, subsection (10) is amended. In the sale of property subject to liens section 37 establishes the priorities of lienholders to the proceeds of the sale. The purpose of the amendment to subsection (10) is to make it clear that as between lienholders having liens arising from the same improvements, they share in the proceeds of the sale according to the priorities established in section 37.

Section 23 is amended by changing the references to *The Provincial Lands Act* and to the Minister of Lands and Mines which occur in the section to *The Mines and Minerals Act* and the Minister of Mines and Minerals. This change is necessary by reason of the division of the present Department of Lands and Mines into two new Departments, a Department of Lands and Forests, and a Department of Mines and Minerals.

This Act came into force on April 1, 1949.

MINERAL TAXATION ACT, 1947, AMENDMENT ACT

(Chapter 65)

This Act amends *The Mineral Taxation Act, 1947*, being chapter 10 of the Statutes of Alberta, 1947.

Section 2 is amended by striking out the references to the Department of Lands and Mines and the Minister of Lands and Mines, and substituting references to the Department of Mines and Minerals and the Minister of Mines and Minerals. The Department of Lands and Mines is being divided into two new Departments and this Act will now be administered by the Minister of Mines and Minerals.

Section 2, paragraph (f), which defines the term "mineral" is amended to exclude from the definition earth, gravel or sand which forms a portion of the surface of the land. The effect of

this amendment is that the minerals excluded from the definition are not subject to the acreage tax on minerals imposed under section 4.

Section 4 is amended by striking out subsection (2).

Section 6 is struck out and a new section is substituted which replaces the provisions contained in section 4, subsection (2), and in section 6. The new section provides that where the name of more than one owner appears upon a certificate of title or when more than one certificate of title exists for defined or undefined interests in the same parcel of minerals, then all the owners shall be regarded as one owner for the purpose of taxation. The purpose of the amendment is to make it clear that where several persons have fractional interests in one parcel of minerals then all of such persons are to be regarded as one owner and the parcel is to be regarded as one parcel for purposes of taxation.

Section 11 is amended. This section requires the posting of the assessment roll in certain conspicuous places. The effect of the amendment is that the assessment roll will hereafter be posted in the Land Titles Office at Calgary rather than in the Provincial Land Agency at Calgary.

Section 23 is amended by striking out subsections (1d) and (1e) and by substituting two new subsections. The section presently provides that when the Deputy Minister sends a notice to the owner that his mineral title may be cancelled, the Registrar of Land Titles is required to advise every registered caveator, mortgagee, lienholder or other registered incumbrancee appearing on the title. The addresses of the incumbrancees as shown in the Land Titles Office are generally not adequate and the majority of the notices are returned by the post office undelivered. In lieu of the notice mailed by the Registrar the new subsections provide for warning being given by advertising in one issue of *The Alberta Gazette*. The form of the warning is set out in a new Form B which is added in the Schedule to the Act.

Section 23, subsection (1e), provides that if all taxes and penalties are paid

within a year from the date of mailing the registered notice to the owner, the Registrar will discharge the tax arrears notification affecting the land in respect of which the taxes are paid.

Section 26 is struck out as it provides that lands vested in His Majesty will become provincial lands within the meaning of *The Provincial Lands Act*. This section is now inapplicable as *The Provincial Lands Act* is being repealed.

This Act came into force on April 1, 1949.

MINES AND MINERALS ACT (Chapter 66)

This is a new Act to be known as "*The Mines and Minerals Act*".

This Act deals with the disposition of mineral rights, the staking of claims and all types of mining within the Province except coal mining and the drilling of wells.

The Act is divided into seven parts. Part I deals with the administration of the Act and contains provisions of general application to all types of disposition of mineral rights and mining other than coal mining and drilling of wells.

Part II deals with quartz mining, Part III with placer mining, Part IV with coal mining, Part V with mining in road allowances, Part VI with petroleum and natural gas and Part VII with geophysical and geological exploration.

The Act commences with the usual short title, interpretation and application sections which are found in sections 1 to 8.

Part I, which deals with the administration of minerals, is found in sections 9 to 56 inclusive.

Section 9 outlines the jurisdiction of the new Department of Mines and Minerals. Sections 10 and 11 deal with appointment and duties of officers.

Sections 12 to 18 contain the powers and duties of the Minister. Sections 19 and 20 deal with the powers of the Lieutenant Governor in Council. These sections provide for the making of regulations which are required to be published in *The Alberta Gazette*.

Sections 21 to 23 outline the duties of the Mining Recorder.

Sections 24 to 31 deal generally with disposition of minerals. The general rule is that no minerals belonging to the Crown in the right of the Province shall be sold. Exceptions to this rule may be specifically provided for by statute. In some cases, in order to consolidate mineral holdings, the Crown may exchange one of its titles for a privately owned title. In such cases the Act makes provision for the issuing of title in fee simple to minerals. Crown minerals are normally disposed of by way of lease. All dispositions of Crown minerals are subject to certain reservations to the Crown. On every disposition there is reserved to the Crown a royalty at such rate as may be prescribed by the Lieutenant Governor in Council upon the granting of the mineral rights and from time to time thereafter.

Section 32 gives a lien to the Crown for any rental or royalty which is due and deals with the enforcement of such a lien.

Sections 33 and 34 deal with seizures by the Crown in case default is made in the payment of rent, royalty, or other moneys due.

Sections 35 to 37 deal with evidence and its admissibility.

Section 38 provides that a person working minerals without an agreement made under this Act acquires no right to the mineral and may be ejected as a trespasser.

Sections 39 to 56 contain miscellaneous provisions relating to leases, licenses, permits, etc., and the general administration of the Department.

Part II deals with quartz mining.

Section 57 is the interpretation section applicable to the Part and section 58 deals with the application of the Part.

Sections 59 to 64 deal with acquisition of claims.

Sections 65 to 75 set out how a claim shall be staked.

Sections 76 to 80 prohibit any unauthorized person from removing or defacing posts used for staking claims.

Sections 81 to 91 deal with the recording of mineral claims with the Mining Recorder.

Sections 92 to 95 set out how claims shall be abandoned.

Section 96 provides for the grouping of claims.

Sections 97 to 101 deal with the representation work required to be done on mineral claims after they have been duly staked and recorded.

Sections 102 to 105 deal with disputes over the staking of or the title to mineral claims.

Sections 106 to 111 deal with the issue of a certificate of improvements to which the lawful holder of a mineral claim is entitled upon proving to the Mining Recorder that he has done the necessary work.

Sections 112 and 113 deal with the determination of adverse rights which are in dispute before a court.

Section 114 provides that every application for a mineral claim, etc., under this Act shall contain an address for service.

Sections 115 to 124 set out what the lease or entry gives to the holder of a mineral claim.

Sections 125 to 131 deal with transfers of mineral claims.

Section 132 provides for the reservation of a royalty to the Crown of such amount as may be determined and fixed from time to time by order of the Lieutenant Governor in Council.

Sections 133 to 136 prescribe the term of a lease and the rental payable.

Sections 137 to 142 require the operator of every mine to keep clear and accurate plans of his workings which are to be kept up to date and available for inspection at any time.

Sections 143 to 151 deal with mineral claims belonging to deceased persons or insane persons. Such mineral claims

are exempt from the requirements of this Act as to the performance of work, etc., for the period fixed by the Minister.

Sections 152 to 155 require a party wall as a barrier to be left between adjoining mining operations with certain exceptions.

Sections 156 to 160 are miscellaneous provisions relating to quartz mining.

Part III deals with placer mining and is found in sections 161 to 196 inclusive.

Section 161 is the interpretation section applicable to the Part and section 162 deals with the application of the Part.

Section 163 deals with where and by whom claims may be acquired and the procedure to be followed.

Sections 164 to 172 set out how placer mining claims shall be staked.

Sections 173 to 181 deal with the recording of placer mining claims.

Sections 182 to 189 deal with the representation work required to be done each year.

Sections 190 and 191 provide for grouping of claims.

Section 192 deals with water rights.

Sections 193 to 195 deal with placer mining claims belonging to deceased or insane persons.

Section 196 provides for additional regulations to be made by the Lieutenant Governor in Council if necessary.

Part IV deals with coal mining and is found in sections 197 to 220 inclusive.

Sections 197 to 201 deal with coal-mining leases.

Sections 202 to 204 set out how a coal-mining location shall be staked in un-surveyed territory.

Section 205 deals with disputes over coal-mining locations and sections 206 to 208 deal with surveys.

Section 209 sets out the work required to be done.

Section 210 provides for the transfer of coal-mining leases.

Sections 211 to 213 set out the conditions of coal-mining leases.

Sections 214 to 216 deal with royalties. The royalty on coal belonging to the Crown and leased under this Act is fixed at such rate as may be prescribed under the provisions of the Act and is collectible in the manner specified by the Minister. If the lessee fails to make prompt payment of the royalty the Minister may cancel his lease.

Section 216 deals with the royalty in the case of a certificate of title, agreement of sale, or lease conveying coal but reserving a royalty to the Crown.

Section 217 provides for barrier pillars in all coal properties.

Sections 218 to 220 contain miscellaneous provisions relating to coal-mining leases.

Part V deals with mining in road allowances and is found in sections 221 to 230.

Sections 221 to 228 deal with coal-mining leases. A lease authorizing the mining of coal in a road allowance may be granted to any person who has the coal rights on both sides of the road allowance.

Section 229 provides that no lease shall be granted to mine anything other than coal under a road allowance without the approval of the Lieutenant Governor in Council.

Section 230 provides that any lessee of minerals in a road allowance shall comply with the directions of the Minister of Public Works.

Part VI deals with petroleum and natural gas and is found in sections 231 to 275.

Sections 231 to 237 deal with petroleum and natural gas leases.

Sections 238 to 241 set out how a location shall be staked in unsurveyed territory.

Section 242 deals with disputes and sections 243 to 245 deal with surveys.

Sections 246 to 252 deal with the work required to be done on petroleum and natural gas leases. The lessee is

required to have machinery on the lease within one year and to commence drilling operations.

Sections 253 to 258 set out various terms and conditions to which petroleum and natural gas leases are subject.

Sections 259 to 261 deal with transfer of rights relating to petroleum and natural gas.

Section 262 deals with unit operation of mineral rights and enables the Crown to participate in the joint development of the area allocated to a well for production purposes.

Sections 263 to 266 deal with royalties payable in respect of the production of petroleum and natural gas. The royalty is fixed from time to time by the Lieutenant Governor in Council.

Sections 267 to 271 contain miscellaneous provisions relating to petroleum and natural gas leases.

Sections 272 to 275 deal with the selection and establishment of Crown reserves.

Part VII deals with geophysical and geological exploration and is found in sections 276 to 289.

Section 276 is the interpretation section and section 277 sets out the application of the Part.

Sections 278 to 289 contain general provisions relating to geophysical and geological exploration. Any person desiring to undertake geophysical or subsurface geological exploration is required to be licensed. The Part requires certain reports on the work done to be filed with the Department.

Section 288 repeals *The Geophysical and Geological Exploration Regulation Act*, being chapter 68 of the Revised Statutes of Alberta, 1942.

This Act came into force on April 1, 1949.

MOTHERS' ALLOWANCE ACT AMENDMENT ACT

(Chapter 67)

This Act amends *The Mothers' Allowance Act*, being chapter 302 of the Revised Statutes of Alberta, 1942.

A new section 6a is added to the Act. This section enables the Minister to pay to each woman receiving a mother's allowance under this Act an additional allowance not in excess of ten dollars per month. The municipalities are not liable to the Province for any portion of the additional allowance paid under this section.

Section 9 presently provides that each municipality shall pay to the Provincial Treasurer twenty-five per cent of the moneys expended by the Minister under *The Mothers' Allowance Act*. The effect of the amendment is that each municipality will now only pay twenty per cent of the cost of mothers' allowance.

This Act came into force on March 29, 1949.

MOTOR VEHICLE ACCIDENT INDEMNITY ACT AMENDMENT ACT

(Chapter 68)

This Act amends *The Motor Vehicle Accident Indemnity Act*, being chapter 11 of the Statutes of Alberta, 1947.

Sections 4 (1), 4 (4) (a) (iii) and 6 (1) are each amended by striking out the minimum property damage figure of twenty-five dollars and substituting seventy-five dollars. The price of motor vehicle repairs has risen greatly resulting in an increase in the number of accidents which must be reported under the Act. Most motorists are financially responsible for judgments up to seventy-five dollars and it is unnecessary for the Act to apply to accidents involving property damage which is apparently less than that amount.

Section 4 (3) is amended by striking out the same and substituting a new subsection. Subsection (3) deals with the production of proof of financial responsibility to the Minister. The sub-

section presently requires the written certificate of an insurer which takes time to obtain and causes expense to the insured. The purpose of the amendment is to provide that any proof satisfactory to the Minister may be accepted as proof of financial responsibility. This will be a convenience both to the Department and to the motorist in that in most cases proof of financial responsibility may be established more speedily and unnecessary expense to the motorist will be avoided.

Section 4 (4) is amended by the addition of a new clause to paragraph (a). Compliance with any one of the requirements listed in paragraph (a) of subsection (4) will enable a driver to get his license back after it has been suspended. The addition of the new clause provides an additional means whereby the suspended license may be obtained back. The new clause provides for the case where the driver has obtained the privilege of paying a judgment against him by instalments and he is not in default in payment of the instalments. In such a case he may get his license back as long as he is up to date with the payment of his instalments.

In clause (v) of paragraph (a) of subsection (4) of section 4 the word "have" is an error and the word "has" is accordingly substituted.

A new section 7a is added immediately after section 7. At present where a person suffers damages in a motor vehicle accident he may sue and recover a judgment for damages against the person whose negligence or fault caused the accident. If the defendant cannot pay the amount of the judgment, or if the money cannot be recovered from him, the Unsatisfied Judgment Fund pays the injured person. Ordinarily a judgment cannot be recovered against a person who is not negligent or at fault. However, if the person sued does not defend he is assumed to admit negligence or fault and a judgment may be obtained against him by default. The plaintiff may then claim payment of such a judgment from the Fund. In the case of non-resident motorists who have no assets in Alberta, and also in the case of residents

who have no assets in Alberta which could be seized to satisfy a judgment against them, judgments have been obtained against them by default. Even though these persons may have had a good defence to the action and may not have been negligent or at fault they do not bother to defend because either they are not subject to the jurisdiction of our courts, or they cannot be compelled to pay and therefore the judgment does not affect them. However, in such cases the Unsatisfied Judgment Fund may have to pay and it is possible that claims may be made upon it by persons whose own negligence or fault was wholly or partially responsible for the accident. The new section 7a is designed to give the Fund some protection in such cases.

Subsection (1) of the new section 7a requires a copy of the statement of claim and all pleadings to be served on the Superintendent in any action which may result in a claim upon the Fund.

Subsection (2) enables the Superintendent to be represented at the trial of any such action.

Subsection (3) requires notice to be served on the Superintendent after any defendant is noted in default and at least fifteen days before the plaintiff applies for an order for final judgment or assessment of damages.

Subsection (4) enables the Superintendent, within fifteen days of the receipt of such a notice, to file a statement of defence disputing the liability of the defendant to the plaintiff and to defend the action.

Subsection (5) enables the Superintendent, in the same manner as a defendant, to joint third parties who may be liable in whole or in part.

Subsection (6) enables the court or judge to order that costs, including those of the Superintendent in defending the action, be paid by the defendant, or that the Superintendent pay the costs out of the Fund or to make such other order as to costs as may be considered just.

Section 8, subsection (1) is amended by striking out the words "originating

notice" and substituting the words "notice of motion". A notice of motion is equally effective in bringing this matter for decision before a judge, and the costs are not as great. The amendment will result in some saving, both to the Unsatisfied Judgment Fund and to the judgment debtor who will have less money to repay to the Superintendent.

Section 8 is also amended to implement Recommendation No. 3 of the Report of the Special Committee of the Alberta Legislature which investigated all phases of automobile insurance. This recommendation was to the effect that the Unsatisfied Judgment Fund be available to pay and satisfy judgments in respect of property damage in excess of one hundred dollars and not exceeding one thousand dollars in respect of any one accident. This type of an unsatisfied judgment is dealt with in the same way as other unsatisfied judgments. To implement this recommendation amendments were necessary to section 8, subsection (1), subsection (2) (c), and subsection (6). Under these amendments the Provincial Treasurer will pay out not more than one thousand dollars exclusive of costs for property damage in any one accident and he will not pay any portion of the first one hundred dollars of damage for which the judgment was recovered.

Section 12 (a) is amended by adding certain words at the end thereof. The purpose of the amendment is to provide that if an order has been made granting the privilege of payment of a judgment by instalments to the Provincial Treasurer, where the Provincial Treasurer has paid the creditor under this Act and the instalments are paid up to date the license of the judgment debtor may be given back to him so long as he maintains his instalments.

This Act came into force on March 29, 1949.

MUNICIPAL DISTRICT ACT AMENDMENT ACT

(Chapter 69)

This Act amends *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942.

Section 2 (s) (i) is struck out and a new clause substituted which has the effect of broadening the definition of the term "parcel". The amendment brings within the definition a block which has not been subdivided into lots.

Section 12 is amended by the addition of a new paragraph (f). The effect of the amendment is to require the ministerial order forming a municipal district to contain a statement of the date and time when the first meeting of the council shall be held.

The Judge Report has recommended that business taxes be confined to towns and villages only. *The Assessment Act* is accordingly being amended so that business taxes will no longer be levied or collected in municipal districts. In order that this Act should conform to the amendments to *The Assessment Act* it is necessary to strike out references to the business tax in a great many sections of this Act. Sections 26, 28, 37, 133, 245, 266, 288, 289, 291, 294 and 295 are each accordingly amended to delete references to the business tax.

Section 28 is also amended by striking out references to owners of minerals. Since the passage of *The Mineral Taxation Act, 1947*, municipalities no longer tax minerals and these references should have been removed at the time of the passage of the said Act.

Section 35 is amended. The effect of the amendment is that any officer, member or employee of the corporation who is exercising a vote on behalf of a corporation must be twenty-one years of age.

Sections 45 and 46, which deal with notice of nomination meetings, have each been amended. The amended sections provide that the returning officer shall publicize the notice in one of three ways, namely, by causing it to be posted in conspicuous places or by causing it to be mailed to resident ratepayers or by causing it to be published in a newspaper circulating to the resident ratepayers.

Section 47 is amended by the addition of a new subsection (3) which provides for the reading at the annual meeting

of the electors of the latest municipal inspector's report on the affairs of the municipal district.

Section 55 is struck out and a new section is substituted which provides for publication of the notice of poll in one of three alternative ways similar to the provisions made in sections 45 and 46. The Municipal District Association requested that provision be made for the giving of such notice by the issue of circulars or by publication in newspapers, which is the effect of this amendment.

Section 60 is amended by removing the necessity for the secretary-treasurer to deliver Form M twenty days before the election. Under the amended section the secretary may deliver Form M at any time prior to the election. This Form sets out the penalties for offences in connection with elections and there is no reason why it should be delivered twenty days before the election as long as it is there prior to the polling day.

Section 145 is amended by striking out the reference to a first election. The amended section will now only refer to a first meeting of the council after a general election. The date for the first meeting of the council after a first election will now be fixed by the ministerial order under section 12 as amended. A municipal district may be organized at any time during the year. The Act required the first meeting of the council of the municipal district to be held on the third day of April, which it was seldom possible to do. These amendments remedy this by enabling the first meeting of the council of a newly formed municipal district to be held on a date fixed by the Minister's order.

Section 164 is amended by increasing *per diem* payments to councillors from six dollars to eight dollars. Payments to councillors for laying out or inspecting work performed for the municipal district are increased from five dollars to eight dollars.

Section 168 is amended and a new section 168a is added immediately after section 168. These amendments provide that the council may by resolution request the Director of Assessments to make a reassessment of all lands, build-

ings and improvements in the municipal district or in any part of it. Whenever a reassessment is made by an assessor appointed by the Director of Assessments the entire cost of the reassessment of any part of the municipal district, other than a hamlet, and seventy-five per cent of the cost of the reassessment of any hamlet shall constitute a debt due to the Crown and shall be paid by the municipal district concerned upon the submission of the Department's account.

A new section 200a is added immediately after section 200 of the Act. Under *The Agricultural Service Board Act* any council may enter into an agreement with the Minister of Agriculture for the purpose of constructing and operating seed cleaning plants, controlling live stock diseases or for some other approved programme relating to the improvement of agriculture. This new section enables the municipality to expend municipal funds to carry out its share of any obligation entered into under such an agreement. Expenditures of municipal funds under this section are subject to the provisions of section 200 with respect to the amounts involved and the method of obtaining the approval of the proprietary electors.

Section 220 is amended. Section 220 presently enables a council to enter into agreements with other municipal districts for the construction and maintenance of public works which will be of benefit to both. The effect of the amendment to this section is to enable the council to enter into such agreements with the board of trustees of school divisions. This will enable the construction of such things as an office building to house both the municipal district and school division offices.

A new section 220a is added immediately after section 220. It enables a council to expend municipal funds for publicity purposes, in order to keep ratepayers informed on municipal business. This amendment was requested by the Municipal District Association.

Section 245 is amended by adding immediately after subsection (3) two new subsections (3a) and (3b). Subsection (3a) provides for the case where an

agreement has been entered into for the supplying of medical care and attention to the residents of a municipal district and enables the council in such a case to pass a by-law levying a special tax to cover the cost of the medical service. The council may also by by-law fix a minimum tax for the purpose of the medical service to be paid by any resident of the area covered by the service and assessed upon the assessment and tax roll. Subsection (3b) provides that where the council has passed a by-law fixing a minimum tax for the medical service the council may also by by-law provide that any resident of the municipal district covered by the service who is not assessed upon the assessment and tax roll may enter into a contract with the council for the purpose of enjoying the benefits of the medical service upon voluntary payment of the amount fixed by by-law as a minimum tax.

Section 251, which deals with indigents, is amended by making changes in subsection (3), paragraph (c); subsection (4), Rule 3; and in subsection (10). Rule 3 of the rules for determining residence found in subsection (4) has been changed so that any person who has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled by a local authority shall be deemed to be a transient person. The Department of Public Welfare is assuming responsibility for transient persons as defined in the new Rule 3 and the definition of "local authority" in paragraph (c) of subsection (3), and subsection (10) are each amended accordingly. The effect of these amendments is that the Department of Public Welfare assumes responsibility for the maintenance of indigents who are transients and for their care and treatment when sick.

Section 252 (1) is struck out and a new subsection is substituted. The new subsection enables the council to pass a by-law for the purpose of granting aid for the erection and maintenance of hospitals or for the purpose of entering into an agreement with an approved hospital. The expenses incurred by the municipal district under the agreement or the by-law are required to be raised

by a special tax. This will enable a definite amount to be set for the purpose of determining the minimum tax to be paid for hospital agreement purposes.

Section 266 is amended. The section presently enables a majority of the property owners in a hamlet to demand of the council that it shall spend at least eighty-five per cent of the taxes collected for municipal purposes on public works within the hamlet. The effect of the amendment is that the property owners can only demand that sixty per cent of the taxes for municipal purposes shall be expended for public works within the hamlet.

Section 289 is amended. Subsection (2) is struck out as it deals with *The Social Services Tax Act* which has now been repealed. Subsection (4) is struck out and replaced by a new subsection which includes a reference to hospital districts.

Section 299 is amended by reducing the maximum discount for prepayment of taxes from ten per cent to six per cent.

Section 305, which relates to collection of taxes, is amended to include references to personal property taxes.

Section 321 is amended by striking out subsection (3) and substituting a new subsection. This subsection has simply been reworded for purposes of clarification of its intention.

A new section 322 is added to the Act immediately after section 321. The new section provides for the levying of a minimum tax for hospital purposes similar to the minimum taxes for municipal purposes and for school purposes. This new section is very similar to the section which provided for a minimum tax for hospital purposes prior to 1944.

Section 323 is amended to include a reference to the new section 322.

Section 324 is amended by striking out references to *The Social Services Tax Act* which has been repealed and *The Wild Lands Tax Act* which is being repealed. A new subsection (2) is added which enables a municipal dis-

trict to invest in Dominion or Alberta bonds any part of its revenue which exceeds its indebtedness or commitments. Municipalities had this power during the war under "*The Local Authorities Investments in War Loans Act*" and it appears desirable to continue this authority.

Section 346 is struck out and a new section is substituted. This section provides for notice of poll in the case of a debenture by-law being submitted to the proprietary electors. The amended section provides for the giving of the notice of poll by means of circulars or by publication in newspapers similar to the amendments to sections 45 and 46.

Form G in the Schedule which is the form of oath of an officer of a corporation is amended to include a clause to the effect that he is of the full age of twenty-one years. This oath is required before he may vote on behalf of the corporation.

Forms J, Q and R in the Schedule are each amended by the deletion of references to the business tax.

This Act came into force on March 29, 1949.

MUNICIPAL HOSPITALS ACT AMENDMENT ACT

(Chapter 70)

This Act amends *The Municipal Hospitals Act*, being chapter 185 of the Revised Statutes of Alberta, 1942.

Section 2 paragraph (l) which defines "ratepayer" is amended to include a person who pays a business tax.

Section 7 is struck out and a new section is substituted which enables the Minister to fix and allocate the number of members of the board of the hospital district upon its establishment. Under the Act at present every municipality, any part of which is included within a hospital district, is entitled to be represented by a member on the hospital board. In some municipal hospital districts which contain a number of small villages and municipalities the membership on a board is growing very large and unwieldy. Also, in some cases

where only a small portion of a municipality is contained in a municipal hospital district the member of the board representing that municipality may draw more fees for mileage and expenses than the total amount of the contribution by that municipality to the municipal hospital district. The amendment to section 7 is for the purpose of removing the necessity of allocating to each municipality a member to represent it on the municipal hospital board.

Section 11 is amended by the addition of a new subsection (3). This new subsection is exactly the same as the old subsection (3) which was struck out in 1945. The new subsection provides for a scheme in which there is provision for a minimum annual hospital tax, commonly known as a poll tax, to be paid by all persons twenty-one years of age gainfully employed who are resident in the municipal hospital district, and who are not ratepayers. Any person paying the poll tax is entitled, in the year in which he pays, to the benefits conferred upon a hospital supporter by *The Municipal Hospitals Act*.

Section 61 is amended by striking out subsection (1) and by substituting two new subsections. These new subsections enable the Minister, on the recommendation of any board, to reduce, increase, or re-allocate the number of members of that board. Any included area which has not been allocated a board member is required to be combined with some other included area and the combined area will be represented by a board member.

The effect of these amendments is that the board of any hospital district which has become large or unwieldy in size may be reduced to an efficient size. Unnecessary expense will be avoided and all persons in a municipal hospital district will be represented by an elected board member. Where small portions of several municipalities are included in a municipal hospital district they may be combined and have one elected member to represent them.

This Act came into force on March 29, 1949.

NATURAL GAS UTILITIES ACT AMENDMENT ACT

(Chapter 71)

This Act amends *The Natural Gas Utilities Act*, being chapter 4 of the Statutes of Alberta, 1944.

Section 2, paragraph (c) is amended by changing the reference to the Minister of Lands and Mines to a reference to the Minister of Mines and Minerals.

Section 72 (3) is amended by striking out the word "shall" and by substituting the word "may". The subsection presently requires the Natural Gas Utilities Board to fix the price paid by the operator of an absorption plant to the owner or producer of natural gas. The amendment changes this mandatory power to a permissive one.

Three new sections are added immediately after section 72.

Section 72a provides that in lieu of making an order under subsection (3) of section 72 the Board may, with the approval of the Lieutenant Governor in Council designate an area of land in the Province from which natural gas is produced. The Board may permit the operator of an absorption plant to enter into a contract with any owner or producer of natural gas produced from a designated area fixing the price to be paid by the operator to the owner for the natural gas. The operator is required to enter into similar contracts with each owner of natural gas within the designated area if the owner is willing to sell and if, in the opinion of the Board, the operator can economically process the natural gas.

Section 72b provides that any contract approved by the Board shall not be changed or varied by the Board unless the change or variation is mutually agreed upon by the parties to the contract and is approved by the Board. If any contract is changed or varied the operator is required to make a similar change or variation in any similar contract entered into with each owner or producer of natural gas within the designated area if the owner or producer requests the change and if it is approved by the Board.

Section 72c provides that in the event the operator is unable to process all the gas produced in a designated area by the owners with whom he is required to enter into contracts the operator shall purchase the natural gas from each owner having a contract approved by the Board on a *pro rata* basis in proportion to his production.

Section 73, subsection (1), paragraph (c), clause (iii) is amended by striking out the reference to the Department of Lands and Mines and substituting a reference to the Department of Mines and Minerals.

The changes in sections 2 and 73 are required by reason of the division of the Department of Lands and Mines into two new Departments, the Department of Mines and Minerals and the Department of Lands and Forests.

This Act came into force on April 1, 1949.

NURSING AIDS ACT AMENDMENT ACT (Chapter 72)

This Act amends *The Nursing Aides Act*, being chapter 18 of the Statutes of Alberta, 1947.

A new section 13a is added so that the Act does not apply to those who render spiritual services only.

This Act came into force on March 29, 1949.

OIL AND GAS RESOURCES CONSERVATION ACT AMENDMENT ACT

(Chapter 73)

This Act amends *The Oil and Gas Resources Conservation Act*, being chapter 66 of the Revised Statutes of Alberta, 1942.

Section 46 is amended by the addition of two new subsections. Section 46 presently provides that the Petroleum and Natural Gas Conservation Board may enter upon, seize and take possession of any oil well, and may take over the management and control of that well. It also empowers the Board to take, deal with and dispose of all petroleum produced from the well as if

it were the property of the Board. The effect of the amendment is to enable the Board to pay from the proceeds of the petroleum produced at the well the costs and expenses of the Board in the operation and control of the well and for investigations and conservation measures, claims against the owner of the well which the owner authorizes the Board to pay, and certain other claims which the Board in its discretion may order to be paid to the persons who, in the opinion of the Board, are entitled thereto. The amendment also provides that the net proceeds of the petroleum produced at the well remaining after the payment of the costs, expenses and claims may be paid by the Board to the owner of the well.

This Act came into force on March 29, 1949.

OIL AND GAS WELLS ACT AMENDMENT ACT

(Chapter 74)

This Act amends *The Oil and Gas Wells Act*, being chapter 67 of the Revised Statutes of Alberta, 1942.

Section 3, subsection (1), paragraph (a) is amended. The Department of Lands and Mines is being divided into two new Departments and this amendment is necessary because the Minister of Mines and Minerals is taking over the administration of this Act.

This Act came into force on April 1, 1949.

OIL SANDS PILOT PLANT ADMINISTRATION ACT

(Chapter 75)

This is a new Act to be known as "*The Oil Sands Pilot Plant Administration Act*".

The pilot plant for processing oil sands at Bitumount was built with moneys supplied by the Government under agreements which were ratified, validated and confirmed by the following Acts of the Legislature: 1945, chapter 11; 1946, chapter 12; 1947, chapter 23.

Section 2 of the agreement known as the Construction Agreement pro-

vided that construction and operation of the pilot plant would be under the supervision of a Board of Trustees consisting of two Ministers of the Crown and the President of Oil Sands Limited.

Oil Sands Limited defaulted under its agreements with the Government and by an order of the Supreme Court of Alberta the Company's interests in the pilot plant under the said agreements were terminated and determined. As the Company has no further interest in the pilot plant there is no reason why the President of the Company should remain a member of the Board of Trustees. An Order in Council was passed appointing a new Board of Trustees consisting of three Ministers of the Crown. Under the supervision of this new Board of Trustees, the Provincial Marketing Board will continue to act for the Government in the construction and operation of the pilot plant.

As the Construction Agreement providing for the appointment of the former Board of Trustees was confirmed and validated by statute, and as there was no statutory authority for the appointment of a Board of Trustees consisting of three Ministers of the Crown, the Order in Council was passed subject to ratification by the Legislature. This Act ratifies the Order in Council.

Section 2 of the Act provides for a Board of Trustees consisting of three Ministers of the Crown to be appointed from time to time by the Lieutenant Governor in Council. The Board supervises the construction and operation of the pilot plant at Bitumount.

Section 3 provides that the Provincial Marketing Board, under the supervision of the Board of Trustees, may expend such moneys for the construction and operation of the plant as may be appropriated by the Legislative Assembly.

Section 4 enables the Lieutenant Governor in Council to make regulations.

Upon the coming into force of this Act it is made retroactive to the day following the date of the order vesting possession of the pilot plant in the Gov-

ernment so that the appointment of the new Board of Trustees will be effective from that date.

This Act came into force on March 29, 1949.

**OLD AGE PENSIONS ACT, ALBERTA,
AMENDMENT ACT**

(Chapter 76)

This Act amends *The Old Age Pensions Act, Alberta*, being chapter 269 of the Revised Statutes of Alberta, 1942.

Section 8 presently imposes on municipalities a liability to pay to the Provincial Treasurer ten per cent of the cost of old age and blind pensions. The various subsections of section 8 provide the machinery to facilitate the collection of the ten per cent from the municipalities. By striking out this section the Province automatically bears the full cost of old age and blind pensions.

The above amendment implements Recommendation No. 14 at page 90 of the Report of the Royal Commission on Taxation.

This Act came into force on March 29, 1949.

**OLD AGE PENSIONS (SUPPLEMENTARY
ALLOWANCES) ACT AMENDMENT ACT**

(Chapter 77)

This Act amends *The Old Age Pensions (Supplementary Allowances) Act*, being chapter 270 of the Revised Statutes of Alberta, 1942.

Section 3 and section 4a are each amended by striking out the word "seven" and substituting the word "ten". The effect of these amendments is to enable the pension authority to increase the supplementary allowances payable to old age and blind pensioners from seven dollars to ten dollars per month.

Section 5 and section 7 are each amended by striking out the reference to the Provincial Treasurer and substituting a reference to the Minister of Public Welfare. The administration of old age pensions is now under the

Minister of Public Welfare and that Minister should execute any agreements in connection with old age pensions entered into under section 5 or section 7 of the Act.

This Act came into force on March 29, 1949.

PRODUCE MERCHANTS ACT REPEAL ACT

(Chapter 78)

This Act repeals *The Produce Merchants Act*, being chapter 84 of the Revised Statutes of Alberta, 1942.

The usefulness of this Act has expired. Control was originally exercised over produce merchants through the enforcement of the licensing provisions of the Act. The licensing provisions of the Act were taken out by way of amendment in 1927. Since that date practically no complaints have been received under the provisions of section 6 and there have been few, if any, prosecutions for violations of the Act under section 8.

The necessity for this legislation would appear to have passed and the Act is accordingly repealed.

This repealing Act came into force on March 29, 1949.

PROHIBITION OF DEALING IN CROWN LANDS ACT

(Chapter 79)

This is a new Act to be known as "*The Prohibition of Dealing in Crown Lands Act*".

Similar provisions to those contained in this Act are found in sections 84 and 85 of *The Provincial Lands Act*. Due to the division of the Department of Lands and Mines into two new Departments and to the transfer of the administration of special areas to the Department of Municipal Affairs these provisions are now applicable to Crown lands administered by three different Departments. Rather than re-enacting these provisions in an Act administered by each of the three Departments it appeared expedient to have one new Act dealing with this subject.

Section 3 of the Act contains the most important prohibitions. Subsection (1) provides that no employee of the Government either directly or indirectly may be a bidder for Crown lands or may acquire any right, title or interest in any Crown lands. An employee of the Provincial Government is also prohibited from being a shareholder or director of any company which has an interest in Crown lands unless the shares of the company are regularly quoted and dealt in on a recognized stock exchange. Employees are also prohibited from taking or receiving any fee for negotiating or transacting any business connected with their official duties. The penalty for violation of these provisions is a fine of not more than five hundred dollars and costs and in default of payment to imprisonment for not more than three months and summary dismissal on the order of the employee's Minister. An interest in Crown lands acquired in contravention of this section is absolutely null and void.

Section 4 prohibits any employee having access to the records of a Department from disclosing any information contained in those records or which he acquires during the course of his duties.

Section 5 provides that an employee shall not be required to attend and give evidence in court or produce documents except upon the order of a court or judge. If a member of the Executive Council certifies that in his opinion it is not in the public interest to disclose such information or that it cannot be disclosed without prejudice to the interests of persons not concerned in the litigation the employee is prohibited from disclosing and cannot be compelled to disclose information obtained by him in his official capacity and all such information is privileged.

Section 6 prohibits any action for damages against an employee for anything done when acting in the discharge of his duties as employee.

This Act came into force on April 1, 1949.

PUBLIC HEALTH ACT AMENDMENT ACT

(Chapter 80)

This Act amends *The Public Health Act*, being chapter 183 of the Revised Statutes of Alberta, 1942.

Section 25 of the Act is amended by the addition of two new subsections (17) and (18). Subsection (17) provides that the Lieutenant Governor in Council may vary the order constituting a health unit by a further order, at any time, with the consent of the contributing municipalities.

Subsection (18) provides that if the contribution of the municipalities may be affected, the report of the Board of Public Utility Commissioners setting out the amount which each municipality must contribute shall be referred back to that Board for any necessary change.

Section 26 is amended to provide that a maximum of one-half of the cost of operation of a health unit constituted by order of the Minister will be payable by the municipalities. At present the amount is fixed at one-half of the cost of operation. Under the amended section if the Minister pays more than one-half, the contribution of the municipalities may be reduced to less than one-half.

Section 26 is further amended by the addition of a new subsection (7) which empowers the Minister to vary his own order constituting a health unit at any time by a further order.

This Act came into force on March 29, 1949.

PUBLIC LANDS ACT

(Chapter 81)

This Act repeals *The Provincial Lands Act* and enacts a new Act in its stead to be known as "*The Public Lands Act*".

In the division of the Department of Lands and Mines into two new Departments to be known as the Department of Lands and Forests and the Department of Mines and Minerals it was necessary to divide certain of the duties and powers which were contained in *The Provincial Lands Act*.

The Public Lands Act will be administered by the new Department of Lands and Forests. This Act contains most of the provisions of *The Provincial Lands Act* relating to the surface of lands owned by the Crown.

The new Act is divided into four parts. Part I deals with homestead leases. Part II deals with cultivation leases. Part III deals with grazing leases and Part IV contains provisions of general application.

The Act applies generally to all lands vested in the Crown in the right of the Province.

Sections 4 to 7 set out the statutory and implied reservations which are reserved to the Crown out of every disposition of public lands. Sections 8 to 10 deal generally with the acquisition of public lands. They cannot be acquired until surveyed and title cannot be acquired against the Crown by prescription.

Part I relating to homesteads commences at section 11. Sections 11 to 16 deal with applications for homestead leases. Every person who has attained the age of eighteen years and is not in possession or control of a farm and who is a British subject or a Canadian citizen is eligible for a homestead. Application for a homestead must be made by the applicant in person and the fees and application forms required are set out in the Act. The applicant is required to pay for improvements on the homestead at the time he acquires it in cash .

Sections 17 to 25 deal with the rents and duties required under a homestead lease. The basic rental is a one-eighth share of the crop. If some of the land was under cultivation at the time the homestead was acquired a one-third share of the crop produced on that land during the first seven crop years is payable to the Department. Certain acreage requirements for breaking of land and seeding of crop are set out in the Act. The crop share payable is payable only in respect of the acreage requirements set out in the Act and if the lessee exceeds the minimum acreage requirements he pays no crop share in respect of the excess acreage. No crop

share is payable in any year in which the lessee suffers a crop failure and the rules for determining whether a crop is a failure or not are set out in the Act.

Sections 18 and 19 deal with the residence requirements of a homestead lessee and how they are calculated. The acreage requirements are set out in section 21.

Sections 26, 27 and 28 deal with disposition of homestead leases of mentally incompetent, physically or mentally incapacitated and deceased persons. If a lessee of a homestead dies or is adjudged to be mentally diseased or becomes physically or mentally incapacitated the forfeiture provisions of the lease are temporarily suspended and provision is made for the disposition of the lease.

Sections 29 to 42 deal with cancellation of homestead leases. Sections 29 to 35 deal with the institution of cancellation proceedings by a person who is eligible for a homestead and who applies for cancellation of an existing homestead of which the lessee is in default. Section 32 sets out the conditions under which a homestead is liable to cancellation. The reasons include failure to perform the residence or cultivation duties, failure to pay for improvements, abandonment of the homestead, etc.

Sections 36 to 42 deal with cancellation proceedings taken by the Minister in cases where the homestead lessee is not fulfilling the conditions of his lease.

Sections 43 and 44 deal with the obtaining of title homesteads. Title may be obtained after fulfilling the requirements of the homestead lease for five years upon payment of the purchase price. After the performance of the requirements of the homestead lease for five years the purchase price is reduced by twenty per cent per year for each additional year during which the requirements of the homestead lease have been performed.

Sections 45 to 49 include the general provisions relating to homestead leases. Provision is made for assignment or exchange of homestead leases. A homestead lessee who has acquired title

to his homestead cannot apply for or acquire another homestead. If a homestead is cultivated the lessee who created improvements on the homestead may remove them or may be compensated by the Minister.

Part II deals with cultivation leases.

Sections 50 to 54 deal with applications for cultivation leases. The Minister may grant a cultivation lease in any case where at least one-fourth of the area applied for is suitable for cultivation. The maximum cultivation lease is two quarter-sections unless otherwise specifically authorized by the Minister. Any cultivation lease granted in excess of two quarter-sections may be reduced by the Minister on giving the notice required by the Act. The fee and other requirements in connection with an application are set out in the Act. Improvements are required to be paid for in cash. Where land is under cultivation payment for the cultivated land is made by way of an additional share of the crop prescribed by the Minister and set out in the lease. A cultivation lease is for a term of ten years renewable for a further term of ten years.

Section 55 deals with rent for cultivation leases. The rental is payable in cash annually in advance together with such share of the crop grown on the cultivated land as may be prescribed by the Lieutenant Governor in Council and set out in the lease. No share of crop is payable on land broken and brought under cultivation during the three crop years immediately following the granting of the lease. No share of crop is payable in respect of crop produced on acreage in excess of the minimum cultivation requirements prescribed by the Act. No share of crop is payable when the lessee has a crop failure and the rules for determining whether or not a crop is a failure are set out in section 55. The minimum acreage requirements are set out in section 56.

Part III deals with grazing leases.

Sections 58 to 62 deal with applications for grazing leases. Grazing leases are granted for lands which are unsuitable for purposes other than the grazing

of stock and the lease runs for a period not exceeding twenty years. The maximum grazing lease is an area large enough to graze one thousand head of cattle in accordance with the carrying capacity of the lands. Under certain circumstances the Minister may allow grazing leases to exceed this size. The qualifications of applicants and the requirements in connection with an application are set out in the Act. Grazing leases may be granted in unsurveyed territory.

Section 63 deals with grazing lease rent. The rent payable for a lease and the tax payable under *The Grazing Lease Taxation Act* together are such percentage of the forage value of the lands as may be fixed by the Lieutenant Governor in Council. The rules for determining the forage value of lands are set out in section 63 and the rent together with the tax are such percentage of this value as may be fixed by the Lieutenant Governor in Council.

Sections 64 to 72 deal with conservation of grazing leases. Stock in excess of the number authorized by the Minister are not allowed to be kept on any grazing lease. The appraiser of grazing lands makes investigations of the carrying capacities of grazing lands throughout the Province. The Minister then divides the Province into districts and fixes the carrying capacity of the grazing lands in each district. Lessees may be required to make sworn returns showing the number of stock maintained on any grazing lease in order to check that the carrying capacity is not being exceeded. Provision is made for the conserving, reclaiming and re-grassing of grazing lands and grazing lands may not be broken up or cultivated.

Section 73 deals with assignment of grazing leases.

Sections 74 to 86 deal with general provisions relating to grazing leases.

A lessee may cut hay on his grazing lease to the extent of three tons of hay for each head of stock without payment of any fee to the Department. Additional hay may be cut by the lessee

upon payment of a fee of a dollar and dues at the rate of fifty cents per ton of hay cut.

The Minister may enter on a grazing lease for the purpose of constructing or maintaining any works coming under the provisions of *The Water Resources Act* and the lessee is forbidden to trespass upon, damage or destroy or to allow his stock or other stock to destroy any works constructed under *The Water Resources Act*. The Minister may withdraw lands from a grazing lease upon three years' notice in which case the lessee may remove his improvements or may be compensated for them by the Minister. Land required for an irrigation project may be withdrawn at any time upon one year's notice. Sums payable under a grazing lease are constituted a first lien upon animals grazed upon the lease and the lien is enforceable by seizure and sale of the animals. In a case where a grazing lease is cancelled or expires and a new grazing lease is issued to some person other than the original lessee provision is made for the payment to the original lessee of the value of improvements which he has created.

Part IV contains provisions of general application.

Sections 87 to 102 deal with leases. The Minister may refuse to issue a lease or a renewal and he may refuse to accept applications of leases of any specific lands. Assignment of leases is prohibited without the consent of the Minister. Certain duties are imposed upon the lessee in connection with the preservation and maintenance of timber or other areas of bush or forest. In the preparation of land for cultivation cord wood may be used for fuel purposes. Permits, however, are required before timber can be sold. The form of a lease is determined by the Minister. The Minister may at any time enter upon any lease and have it surveyed. The Minister may grant permission to any person to enter upon a lease for the purpose of exploration for minerals and if any portion of the land leased is found to contain minerals the Minister may withdraw such lands from the lease. In such a case the rent is proportionately reduced. Sections 103 to

107 deal with exchange of lands. Any person who owns land in a drought area may exchange his land for vacant and available public land in some other area.

When the exchange is made the applicant is required to perform settlement duties including residence, cultivation and the maintenance of live stock to the satisfaction of the Minister for a period of at least one year subsequent to the exchange. The public land selected by the applicant cannot exceed in extent or acreage the property surrendered and the exchange is made on the basis of value for value.

Section 108 which deals with school lands is similar to the section in the present Act.

Sections 109 to 111 deal with sales of lands. Ordinarily sales are by public auction at an upset price fixed by the Lieutenant Governor in Council.

Section 112 deals with grants of lands and provides that the Minister may grant land by way of gift for school sites, church or mission sites and as sites for cemeteries, community halls, etc. A grant of this nature cannot exceed four acres.

Sections 113 to 117 contain the powers of the Lieutenant Governor in Council.

Sections 118 and 119 contain the powers and duties of the Minister.

Sections 120 to 122 deal with evidence and its admissibility.

Sections 123 to 125 deal with summary proceeding respecting forfeiture and trespass.

Sections 126 to 128 deal with seizures. All these provisions relating to evidence, summary proceedings and seizures are similar to those which were contained in *The Provincial Lands Act*.

Sections 129 to 151 are miscellaneous provisions dealing with a variety of matters. These sections are practically the same as the sections which appeared in the later portion of *The Provincial Lands Act* although their sequence has been varied somewhat. Sections 130, 133 and 134 are similar to sections 82,

87 and 88 of *The Provincial Lands Act*. Sections 136 to 141 are similar to sections 90 to 95 of *The Provincial Lands Act*. Sections 142, 143, 144 and 148 are similar to sections 102, 104, 105 and 110 of *The Provincial Lands Act*.

This Act came into force on April 1, 1949.

PUBLIC LIBRARIES ACT AMENDMENT ACT
(Chapter 82)

This Act amends *The Public Libraries Act*, being chapter 13 of the Statutes of Alberta, 1948.

Section 36 is amended by striking out subsections (2) and (3) and by substituting three new subsections. The new subsection (2) provides that if the library provides public library service which meets with the standard fixed by the Lieutenant Governor in Council the Minister shall approve the application for the grant. Subsection (3) provides that the Minister shall pay, in respect of each approved application, a book grant of one dollar for every dollar expended by the board of the library up to a maximum of three hundred dollars in any one year. Subsection (3a) provides that the Minister shall pay in respect of an approved application for a reading room grant one dollar for every dollar expended by the board up to a maximum of fifty dollars for each reading room in any one year.

Section 51 of the Act is amended. Subsection (1) of this section presently provides that the board shall purchase such books, newspapers, reviews, magazines, maps, films, etc. for the use of the library and reading room as may be deemed advisable. The purpose of the amendment is to add to the list of items to be purchased by the board, pictures and other library material.

This Act came into force on March 29, 1949.

**PUBLIC SERVICE PENSION ACT
AMENDMENT ACT**

(Chapter 83)

This Act amends *The Public Service Pension Act*, being chapter 7 of the Statutes of Alberta, 1947.

Section 2 (c) which defines employee is amended by restricting the definition to those persons who are eligible to make contributions to the Pension Fund. At present if an employee dies while in the service of the Government fifteen hundred dollars is paid to his beneficiary irrespective of whether the employee was contributing to the Pension Fund or not pursuant to the provisions of section 14a of the Act. The effect of the amendment is that the fifteen hundred dollars will now only be paid to the beneficiaries of those employees who were eligible to contribute to the Pension Fund and who died while in the service of the Government.

Section 2 (e) which defines salary is amended to refer to rate of salary rather than amount of salary. The effect of the amendment is that contributions will be made by employees to the Pension Fund based on their rate of salary rather than on the actual amount of salary which they receive. Thus, persons on sick leave or leave of absence who are receiving less than their normal rate of salary will still continue to contribute to the Pension Fund as if they were receiving their full salary. The rate of salary will, of course, also be used in computing the pension to which an employee is entitled rather than using the actual amount of salary received. Thus a person who is ill during the period when his rate of salary is the highest will have that rate used for the purpose of computing his pension even though he actually receives an amount of salary less than his rate of salary.

Section 13 is amended. The effect of the amendment is that an employee who resigns or is dismissed and who has contributed to the Pension Fund for less than five years will receive his contributions to the Fund back but will not receive any interest. If he has contributed to the Fund for more than five years he will get back his contributions plus interest. He will receive back all of his contributions to the Fund irrespective of how long he has worked.

Section 23 is amended to add a reference to the employer of a teacher within the meaning of *The Teachers'*

Retirement Fund Act. The purpose of the amendment is to permit a reciprocal agreement between the Public Service Pension Fund and the Teachers' Retirement Fund so that when an employee is transferred from one service to the other his pensionable service may be recognized and his pension fund contributions transferred.

This Act came into force on March 29, 1949, and is retroactive to April 1, 1948, with the exception of paragraph (a) of section 1 which is retroactive to April 1, 1947.

**PUBLIC SERVICE VEHICLES ACT
AMENDMENT ACT**

(Chapter 84)

This Act amends *The Public Service Vehicles Act*, being chapter 276 of the Revised Statutes of Alberta, 1942.

Section 31 is struck out and a new section is substituted. Section 31 presently prohibits the carrying of passengers in the body of a truck in which cargo is being carried. The purpose of the amendment is to prohibit any truck from carrying passengers whether the truck is empty or loaded, with certain exceptions. This general prohibition does not apply in cases of emergency or where the trucker has the permission in writing of the Board, and it does not apply to members of the family of the owner of the vehicle or to one person travelling in the truck who is required for the care, handling or disposal of the cargo. Except in emergencies, or with the permission of the Board, no person is permitted to ride in the body of a truck in which cargo is being carried.

This Act came into force on March 29, 1949.

PUBLIC TRUSTEE ACT

(Chapter 85)

This is a new Act to be known as "*The Public Trustee Act*".

This new Act consolidates the provisions which were formerly found in *The Official Guardian Act*, *The Estates of the Mentally Incompetent Act*, *The Judicature Act* and *The Trustee Act*.

The Public Trustee appointed under this new Act replaces the Official Guardian, the Administrator of Estates of the Mentally Incompetent and the Public Administrators appointed pursuant to *The Judicature Act*. The consolidation of duties and offices effected by this new Act will facilitate administration and eliminate a great deal of duplication and thereby result in considerable saving of time and effort. For example, instead of three separate sets of records, together with the necessary books of account, trust accounts, and so forth, under the new Act there will be only one set of books and one official to administer them.

Section 3 provides for the appointment of a barrister and solicitor of not less than ten years' standing to be Public Trustee, and also provides for the appointment of an Acting Public Trustee in the case of illness or absence of the Public Trustee.

Sections 4, 5 and 6 of this Act correspond to sections 4, 6 and 7 of *The Official Guardian Act* which they replace.

Section 7 provides for the payment of money and other property to which an infant is entitled for whose estate no person has been appointed guardian to the Public Trustee who is required to account to the infant for it.

Section 8 dealing with the maintenance and education of infants is similar to section 14 of *The Official Guardian Act*.

Sections 9 and 10 deal with estates of missing persons. The Public Trustee is authorized, after investigation, to take possession of the property of missing persons and to preserve the same pending an order of a judge of the Supreme Court. If a judge is satisfied that a person is a missing person the judge may so declare and appoint the Public Trustee as trustee of the property of the missing person. Sections 10 and 11 replace sections 9 and 10 of *The Official Guardian Act*.

Sections 12 to 22 dealing with the estates of mentally incompetent persons correspond to the former sections 27 to 40 of *The Estates of the Mentally Incompetent Act*.

Sections 23 to 28 replace the sections relating to the duties of Public Administrators under *The Judicature Act*. Section 23 provides for the appointment of the Public Trustee as a trustee, executor, administrator, guardian or committee. Section 24 of this Act corresponds to section 47 of *The Judicature Act*. Section 25 enables the Public Trustee to wind up the affairs of a person dying with an estate not exceeding one hundred dollars without filing application for letters of administration. This will facilitate the payment of necessary expenses and the winding up of these small estates with a minimum of cost and delay. Section 16 is comparable to section 51 of *The Judicature Act*. However, the amount has been increased from two hundred to one thousand dollars. Here again no formal application for letters of administration is necessary with a view to saving time and expense in the administration of these small estates. The Public Trustee is required to file, in the office of the clerk of the court, a statement of his accounts relating to the administration of any such estate.

Section 27 provides that where a person dies intestate with an estate exceeding one thousand dollars and no application for letters of administration has been made the Public Trustee may apply. However, if the Public Trustee knows of any other person who would be entitled to letters of administration he is required to give that person one month's notice in writing before making application himself. If the other person entitled applies for and obtains a grant of letters of administration after receipt of the notice the Public Trustee has no right to apply. Provision is also made for the revocation of any grant to the Public Trustee upon the application of any other person entitled to letters of administration.

Sections 29 and 30 relate to the common fund and they replace sections 59 and 60 of *The Trustee Act*.

Sections 31 to 34 replace sections 5, 11, 12 and 13 of *The Official Guardian Act*.

Sections 35 and 36 replace sections 29 and 34 of *The Estates of the Mentally Incompetent Act*.

Section 37 enables the Public Trustee to delegate certain of his duties to officers employed by him.

Sections 38, 39, 41 and 42 are similar to sections 15 to 18 of *The Official Guardian Act*.

Section 40 is similar to section 41 of *The Estates of The Mentally Incompetent Act*.

Section 43 provides that the Public Trustee shall be the successor in office of the Official Guardian, the Administrator of Estates of the Mentally Incompetent and of the Public Administrators appointed pursuant to *The Judicature Act*. All the property vested in those three officials is transferred to the Public Trustee under this Act as are also all of their appointments and duties.

Section 44 repeals *The Official Guardian Act*.

This Act is to come into force on July 1, 1949.

PUBLIC WELFARE ASSISTANCE ACT

(Chapter 86)

This is a new Act to be known as "*The Public Welfare Assistance Act*".

The Act enables the Minister of Public Welfare to pay a grant to each municipality not exceeding sixty per cent of the amount paid by the municipality for the maintenance of each indigent person or ward of the Government who is resident in such municipality.

The Minister of Public Welfare is empowered to prescribe forms and returns which he deems necessary or expedient to facilitate administration of the Act.

The Lieutenant Governor in Council may make rules and regulations and may also enter into agreements with the Dominion and other provinces with respect to the provision of health and welfare services.

The Lieutenant Governor in Council is empowered to make regulations respecting the administration of the Act,

the method and time of payment of grants and the amounts of the grants.

This Act came into force on March 29, 1949.

**PUBLIC WORKS DEPARTMENT ACT
AMENDMENT ACT**

(Chapter 87)

This Act amends *The Public Works Department Act*, being chapter 16 of the Revised Statutes of Alberta, 1942.

Section 25 of the Act provides that the Provincial Treasurer may upon requisition of the Minister of Public Works advance out of the General Revenue Fund sums required for equipment, stock and material required by the Government, not to exceed at any one time the sum of two million, seven hundred thousand dollars. The effect of the amendment is to increase this maximum by three hundred thousand dollars to three million dollars.

This Act came into force on March 29, 1949.

**REGISTRATION OF ASSIGNMENTS OF
CROWN LANDS ACT**

(Chapter 88)

This is a new Act.

The provisions of this Act were formerly contained in sections 86 and 86a of *The Provincial Lands Act*. Due to the division of the Department of Lands and Mines into two new Departments and to the transfer of the administration of special areas to the Minister of Municipal Affairs these provisions now become applicable to lands administered by three different Departments. Rather than repeating these provisions in each of three separate Acts administered by each of the Departments it appeared desirable to have a special new Act to deal with the subject of the registration of assignments of Crown lands.

Section 3 requires the Minister to keep in his Department books for registering assignments of any right or interest in lands or minerals acquired from the Crown in the right of the

Province under the terms of any agreement of sale, lease, license, permit, conveyance or other instrument.

Section 4 provides for the payment of a tax to the Minister at the rate of ten per cent on the increase in value of the interest in Crown lands over the last preceding value.

Section 5 enables the Minister to accept payment of the tax by delivery to him of a share of production or other participation in earnings from the Crown lands.

Section 7 prescribes rules for determining the last preceding value and the new value for purposes of payment of the tax.

Section 8 provides for affidavits of value from the assignor and the assignee when any assignment is tendered for registration.

Section 9 exempts from the tax any transmission of any right or interest in lands or minerals of a deceased person or the transfer of such right or interest from the executors of any such deceased person to his devisee or to the persons entitled thereto upon the distribution of his estate.

Section 10 provides that all moneys realized from this tax shall be paid into the General Revenue Fund.

This Act came into force on April 1, 1949.

RETIREMENT PENSION ACT AMENDMENT ACT

(Chapter 89)

This Act amends *The Retirement Pension Act*, being chapter 12 of the Statutes of Alberta, 1948.

Section 7 (d) is amended by adding at the end of that paragraph the following words "multiplied by the total number of years of his pensionable service". These words were omitted from the original draft through an oversight.

This Act came into force on March 29, 1949, and is retroactive to March 31, 1948.

**RIGHT OF ENTRY ARBITRATION ACT
AMENDMENT ACT**

(Chapter 90)

This Act amends *The Right of Entry Arbitration Act*, being chapter 24 of the Statutes of Alberta, 1947.

Section 2, which is the interpretation section, is amended as to the definition of "Director" by changing the reference from the Department of Lands and Mines to the Department of Lands and Forests, which is necessary by reason of the division of the Department of Lands and Mines into two new Departments. The definition of "minerals" is also amended by adding uranium to the list of minerals included within the definition.

Section 5 (2) is slightly amended to enable the Board, with the approval of the Lieutenant Governor in Council, to assign such duties as it may deem necessary to the officers, clerks or servants of the Board.

Section 8 (1) is amended. At common law the right of entry on the surface of a parcel of land only arose by reason of the ownership of minerals beneath the surface of that parcel. In other words, the owner of minerals beneath a parcel of land had a right arising from the fact of his ownership of the minerals to go on the surface of the parcel of land in order to recover his minerals. The purpose of the amendment is to make it clear that this Act was not intended to broaden the common law right of entry but merely to provide the administrative machinery by which the existing right arising by reason of ownership of minerals may be exercised.

Section 9 is amended. Subsections (2) and (3) presently provide that where an application for right of entry on Crown lands is made, a copy of the application shall be served upon the Deputy Minister of Lands and Mines. By reason of the division of the Department it is now necessary to provide that the copy of the application shall be served upon the Deputy Minister of Lands and Forests. Special areas have been taken over by the Department of Municipal Affairs and where the appli-

cation for right of entry relates to Crown lands in a special area the application has to be served on the Deputy Minister of Municipal Affairs.

Section 10 (2) and (5) are similarly amended by making references to the Department of Lands and Forests and the Department of Municipal Affairs.

A new subsection (7) is added to section 10. This subsection provides that the Board shall not grant a right of entry on any lands within a forest reserve until the consent of the Minister of Lands and Forests has been obtained. This is particularly necessary in the case of those forest reserves coming within the jurisdiction of the Eastern Rockies Forest Conservation Board.

The present section 11 is amended, renumbered as subsection (1) and a new subsection (2) is added. Subsection (1) is amended to require seven clear days' notice of an application for an immediate right of entry to be served on all parties affected. At present only three clear days' notice is required. In some cases it is impossible for an operator who desires a right of entry to give notice to all parties affected as some of them, who may have registered interests in a parcel of land, may have disappeared and be impossible to trace. In such a case subsection (2) provides that the Board may hear the application after the operator has given such notice to the parties affected as may be prescribed in writing by the Board.

Section 12 (1) (a) is amended slightly so that the wording of this paragraph will correspond with the wording of section 8.

Section 13 (4) is struck out and a new subsection (4) is substituted. The purpose of the amendment is to change the references to *The Provincial Lands Act* and the Minister of Lands and Mines to references to *The Public Lands Act* and the Minister of Lands and Forests.

A new subsection (5) is added to section 13 which provides a means for the enforcement of orders of the Board. The subsection provides that orders of the Board may be enforced by the sheriff in the same manner as a writ of possession.

Section 16 is amended by the addition of a new subsection (4). This subsection provides that where an operator has incurred costs in obtaining possession due to refusal of the owner or occupant to comply with the order of the Board the operator may apply to the Board to deduct the amount of these costs from the compensation awarded to the owner or occupant.

Section 17 is amended. The section provides that application may be made to terminate a right of entry at the expiration of one year from the date of an award. This is amended to provide that the application for termination may be made at the expiration of six months. The section also provides that the Board in its order terminating the right of entry may direct the operator to remove structures, fill excavations and otherwise restore the site as nearly as possible to its original condition. The effect of the amendment is that the operator is required to satisfy the Board that its directions have been carried out before the Board makes an order terminating the right of entry.

This Act came into force on April 1, 1949.

SCHOOL ACT AMENDMENT ACT

(Chapter 91)

This Act amends *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942.

Section 2 (d), clauses (i) and (ii) are amended to have them refer to Part I of the new Public Lands Act which replaces *The Provincial Lands Act*.

Sections 17 (2), 31 (2) and 49 (2) are amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from these sections of the Act.

Sections 126 (o) and 274 (1) (d) are amended and a new section 169a is enacted. The object of the amendments and the new section 169a is to prevent Boards from transferring teachers from one school to another without any no-

tice. The object is also to provide teachers with an opportunity to register their objections to the proposed move.

Section 127 (1) is amended by replacing the present paragraph (u) with a new paragraph which extends the power of a Board to give financial assistance to pupils of the school district and to students undergoing teacher training courses.

Section 127 (1) is further amended by adding a new paragraph (z) which empowers the Board to disseminate information about the Board's business and meetings to the electors of the district.

Section 134 is amended by adding a new subsection (2) which authorizes a school board which employs in excess of twenty persons to establish a separate payroll account out of which the treasurer or secretary-treasurer may pay employees without further approval being required.

Section 136 (6) (d) is amended so that the maximum fees payable for an audit in a school division are increased from seventy-five dollars to one hundred and twenty-five dollars.

Section 136 (7) is amended. If the auditor of the municipality who is normally required to audit the books of a town school district is a member or employee of the Board of the school district, the amendment provides that he is not required to audit the books of the school district, and another auditor must be appointed to carry out the audit.

Section 137 (3) is amended by striking out the words "in a direct line". This subsection deals with the conveyance of children of isolated families in consolidated districts. The Board is presently required to arrange with parents for the conveyance of their children if they live more than one mile "in a direct line" from the nearest conveyance route. The words "in a direct line" provide an unfair test which sometimes works a hardship as the most direct route which it would be possible for the children to travel might exceed one mile even though their home was less than one mile in a direct line from the conveyance route. The words are accordingly struck out.

The heading and sub-heading immediately preceding section 141 are amended to more accurately describe the effect of sections 141 to 146 inclusive.

Section 147 and the immediately following sections now apply to contracts for all school buildings and not just to contracts for school buildings in rural, village and consolidated districts. The heading in the Act preceding section 147 is amended accordingly.

A new section 147d provides that where a school district has in regular employment an architect and retains a legal adviser it is not required to obtain the approval of the Minister or the Department before proceeding to construct a school building or an addition to an existing school building. The district must, under the amended section, deposit a set of plans and specifications of any proposed construction with the Department.

Section 152 (2) is amended. This subsection presently enables the Board of any district to declare certain days to be a holiday. The purpose of the amendment to subsection (2) is to make it clear that the Board of any division also has this power.

Section 167 is amended as to subsection (1) so that boards of trustees and teachers must give notice of termination of contracts five days earlier than heretofore and subsection (3) is amended to bring that subsection into agreement with the amendment to subsection (1).

Section 171 (3) (c) is amended so that applications to the Minister to refer a dispute or disagreement which has arisen between a school board and its teacher or teachers with respect to termination or cancellation of a contract to a board of reference must be sent to the Minister by the thirtieth day of June. This enables the Board of Reference to sit at an earlier date, render an earlier decision, and thus affords both teachers and school boards more time to make the necessary arrangements after the findings of the Board of Reference have been made known.

A new section 174b gives to the Board of Trustees discretionary authority to pay the salary of any teacher employed by it during any part of such teacher's absence from duty for what the Board considers to be sufficient reason.

Paragraph (l) of subsection (1) of section 176 is struck out and a new paragraph substituted. The new paragraph requires the teacher to notify the local health authority and the secretary of the Board whenever any pupil attending school catches or is exposed to a contagious disease, and to prevent the attendance at school of any such pupil until the teacher is furnished with a written statement of a physician or the local health authority that there is no further danger from the contagious disease. In any case where there is no physician or local health authority if the teacher is satisfied that the proper period of isolation has elapsed and that there is no apparent further danger from contagion he may readmit the pupil to school.

Section 178 (2) is amended. At present it is necessary to terminate the designation of a principal, vice-principal or assistant principal in the manner provided in section 167, that is in exactly the same way as an ordinary teaching agreement between a teacher and a Board would be terminated. The new subsection would make it possible for a Board to terminate their designation of a principal, vice-principal or assistant principal with greater ease by a resolution of the Board and at the same time the teacher concerned would be afforded an opportunity to appeal to the Board against their decision. A teacher would not however have an appeal to a board of reference as is possible under the present section.

Sections 185 (2) and (3a) and 188 (1) are amended because the consent of the Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from these sections of the Act.

Section 211 is deleted. Its provisions are no longer necessary because the proposed new section 212 requires the debentures to be forwarded to the De-

partment for sealing before being issued and at this time the Department can register the debentures.

A new section 212 replaces the present section. The new section contains all the provisions of the present section and also contains the additional provision that debentures must be sealed with the seal of the Department and registered before being issued.

Section 215 is amended as to paragraph (c) of subsection (2); as to the proviso to paragraph (b) of subsection (3) and as to the proviso to paragraph (e) of subsection (4) so that the Minister of Education may make certain financial provisions in unorganized territories, for the education of children who have not been formerly provided for.

Section 252 (2) is amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from this section of the Act.

Subsection (1) of section 253 is amended so that the Minister now approves rather than orders the holding of the annual meeting of the electors of a subdivision of a school division at an hour other than that provided for in section 253 (1).

Section 253, subsection (3) is amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from this section of the Act.

Subsections (2a) and (7) of section 257 are also amended because of the consent of a Post Office Inspector being required before a notice may be posted in a post office.

Subsection (5) of section 257 is amended so that the appointment of a deputy returning officer is made subject to the qualifications set out in section 259 (2).

Section 259 is amended so that a candidate for election to the office of divisional trustee cannot act as a poll clerk.

Subsections (4) and (5) are added to section 270 to provide for the appointment of a new chairman or vice-chairman should a vacancy occur in those positions.

Section 274 is amended. Subsection (1) (c) is amended by increasing the maximum daily sum which may be paid to each member of the Board of a school division on days on which he attends Board meetings from six dollars to eight dollars.

Section 275 is amended by replacing the present paragraph (d) with a new paragraph which extends the power of a divisional school board to give financial assistance to pupils of the division and students undergoing teacher training courses.

Section 293a is amended by providing that if a requisition on a municipality or improvement district is considered excessive and if it is found desirable to refer the requisition to a commissioner, it must be so referred within thirty days of receipt of the requisition.

Section 296 (1) is amended by deleting the references to the Minister of Lands and Mines. This is necessary as the administration of special areas has now been transferred to the Department of Municipal Affairs from the Department of Lands and Mines.

Section 305 is amended to give effect to, and in order that it will not conflict with, the proposed amendment to section 134. This latter amendment authorizes the treasurer or secretary-treasurer where a Board employs more than twenty persons, to pay the employees by cheque without prior certification of the account for payment by the chairman or other member of the Board.

This Act came into force on March 29, 1949.

SCHOOL TAXATION ACT AMENDMENT ACT

(Chapter 92)

This Act amends *The School Taxation Act*, being chapter 176 of the Revised Statutes of Alberta, 1942.

Subsection (7) of section 28 is amended. For the purposes of section 28 subsection (7) defines the terms "municipality" and "municipal authority". The Minister of Lands and Mines is the municipal authority in the case of a special area. As the administration of special areas has been transferred to the Minister of Municipal Affairs, the purpose of the amendment is to delete the reference to the Minister of Lands and Mines. The Minister of Municipal Affairs thereupon becomes the "municipal authority" within the meaning of the definition in the case of improvement districts or special areas.

Section 28a (1) is amended so that where it is decided to refer a requisition on a municipality or improvement district to a commissioner, it must be referred within thirty days of receipt of the requisition.

This Act came into force on March 29, 1949.

SETTING OF POISON ACT AMENDMENT ACT (Chapter 93)

This Act amends *The Setting of Poison Act*, being chapter 11 of the Statutes of Alberta, 1943.

Section 2 is struck out and a new section is substituted. The new section defines "Commissioner" as the Fish and Game Commissioner of the Department of Lands and Forests and defines "Department" as the Department of Lands and Forests. This is necessary as the Department of Lands and Mines is being split into two Departments and the Department of Lands and Forests is taking over the administration of this Act.

Sections 4 and 4a are each amended by striking out references to the Department of Lands and Mines. *The Alberta Pharmaceutical Association Act*, 1945, repealed and re-enacted the former Act which appeared in the 1942 statutes so the reference to this Act is changed accordingly.

Section 4a is further amended by striking out subsection (1) and substituting a new subsection. The effect of the amendment is to enable the Com-

missioner to distribute any poison which may be approved by him for the purpose of exterminating coyotes and wolves.

A new section 5a is added immediately after section 5. This section prohibits any action for damages against the Commissioner or any person authorized by the Commissioner in respect of the setting out or distribution of poisons under the provisions of this Act.

This Act came into force on April 1, 1949.

SOLEMNIZATION OF MARRIAGE ACT AMENDMENT ACT

(Chapter 94)

This Act amends *The Solemnization of Marriage Act*, being chapter 303 of the Revised Statutes of Alberta, 1942.

Section 3 is amended to make it possible for a lieutenant of the Salvation Army to solemnize marriages. This is necessary because of a change in the ranks and duties of Salvation Army personnel which has resulted in a probationary lieutenant now holding the position formerly held by a lieutenant.

A new section 14a provides in subsection (1) that thirty days must elapse after a decree absolute of divorce or final declaration of nullity of marriage has been entered before an issuer may issue a license to marry. Thus a license to marry cannot be issued while there is still a possibility of a judgment being appealed. Subsection (2) provides that if an appeal from the final decree or declaration has been entered, a license issuer shall not issue a license until satisfactory proof is furnished that the appeal has been finally disposed of.

Section 21 is amended as to subsection (4) to make it clear that a notice of the application for a license must be sent to the parent or guardian where one of the parties is under the age of twenty-one years.

Section 21 is further amended by adding a new subsection which provides that a license issuer may not issue a marriage license where a person under the age of twenty-one years is a party

to the proposed marriage, until the eighth day after the mailing of the notice to a parent or guardian required by section 21.

Section 23 is amended to provide that when application is made to a judge to dispense with the consent of a parent or guardian, notice of the application must be sent to the parent or guardian in order that he may be present at the hearing of the application.

This Act is to come into force on July 1, 1949.

SPECIAL AREAS ACT AMENDMENT ACT

(Chapter 95)

This Act amends *The Special Areas Act*, being chapter 153 of the Revised Statutes of Alberta, 1942.

Section 2 of the Act is amended as to paragraphs (b), (c), (d) and (g). Paragraphs (b) and (d) are amended by substituting the Department of Municipal Affairs and the Minister of Municipal Affairs for the Department of Lands and Mines and the Minister of Lands and Mines. This change is necessary as the control and administration of this Act has been transferred from the Department of Lands and Mines to the Department of Municipal Affairs.

A new paragraph (c) is substituted which restricts the definition of "land" to unsubdivided lands in a special area. A new definition of "public lands" is substituted for the existing definition. The term now means all real property to which *The Public Lands Act* applies.

Section 6 of the Act is amended by striking out subsection (2) which is unnecessary now that special areas are being administered by the Department of Municipal Affairs.

Section 7 of the Act is amended. In paragraph (a) provision is made for the assessment of both land and personal property whereas at present land only is subject to assessment. Paragraph (c) is amended by substituting the Deputy Minister of Municipal Affairs for the Deputy Minister of Lands and Mines on account of the transfer of administration of the Department.

Paragraphs (c), (d), (e), (f) and (g) are each amended by striking out the references to the social services tax which are no longer needed as a result of the repeal of *The Social Services Tax Act*.

Section 13 of the Act is amended by consolidating paragraphs (d) and (dd) into a new paragraph (d) in order to provide for one trust account rather than the two trust accounts which are now required for the administration of lands in special areas. The new paragraph thus empowers the Minister to deposit all revenue received from a special area in one account and to disburse the same for the same purposes provided in the present paragraphs (d) and (dd).

Section 19, subsection (1) is struck out. As the two trust accounts are combined the authority granted by subsection (1) of section 19 for the Minister to transfer any moneys from the Provincial Treasurer Special Areas Trust Account to the Special Districts Trust Account is unnecessary. The reference to provincial lands in subsection (3) is changed to refer to public lands.

Section 20 is struck out and a new section is substituted which provides that any land in a special area vested in the trustees of an irrigation district may, with the approval of the Irrigation Council and the Minister, be dealt with as land within the meaning of that term as defined in the new paragraph (c) of section 2.

Section 21 is amended to provide that any lands acquired by the Minister pursuant to that section are subject to the direction of the Minister as provided by this Act.

Section 22 is amended to provide that where title to any lands in a municipality situated in a special area has been obtained by the municipality or by the Minister under the provisions of any Act relating to the recovery of taxes such lands shall be removed from the assessment roll and shall cease to be liable to assessment and taxation and outstanding taxes shall be cancelled.

Section 27 is struck out and a new section is substituted. The new sec-

tion requires the Department of Lands and Forests to keep a record of all public lands in a special area subject to the provisions of *The Public Lands Act*. Upon any person becoming entitled to receive a title in fee simple to any public lands to which *The Public Lands Act* applies in the special area a notification is issued under the provisions of *The Public Lands Act*.

Section 33 of the Act is amended by substituting for the Minister, Deputy Minister and the Department of Lands and Mines, the Minister, Deputy Minister and the Department of Municipal Affairs to correspond with the change in the administration of this Act, from the Department of Lands and Mines to the Department of Municipal Affairs.

This Act came into force on March 29, 1949.

STALLION ENROLMENT ACT, 1949

(Chapter 96)

This Act repeals *The Stallion Enrolment Act*, being chapter 96 of the Revised Statutes of Alberta, 1942, and enacts a new Act in its stead.

Sections 1 to 3 are the same as the corresponding sections in the old Act with the exception that the definition of the term "Board" has been added to the interpretation section.

Section 4 is similar to subsection (1) of section 4 of the old Act although it has been slightly amplified and clarified.

Section 5 provides for the appointment of inspectors to inspect each stallion for which an application for enrolment is received. Upon receipt of the inspector's report the Minister in his discretion may issue or refuse to issue a certificate of enrolment under the Act and the regulations.

Section 6 gives an owner a right of appeal similar to that contained in section 8 of the old Act.

Section 7 corresponds with section 12 of the old Act.

Section 8 provides that the Minister may require the inspection of an en-

rolled stallion at any time and if the inspector reports that the stallion is unsuitable for breeding purposes the Minister may cancel its enrolment. The section also provides that inspection reports relating to any stallion shall be available to the public on the payment of the prescribed fee to the Department.

Sections 9, 10 and 11 are similar to sections 13, 14 and 15 of the old Act with slight changes in the wording and arrangement to clarify the intention.

Section 12 is similar to section 16 of the old Act.

Section 13 provides that when the owner of a mare pays a service fee for service by a stallion which is not enrolled he is entitled to recover the service fee together with such damages not exceeding fifty dollars for each mare as may be awarded.

Section 14 which is the penalty section is the same as section 18 of the old Act.

Section 15 enables the Lieutenant Governor in Council to make regulations to facilitate the administration of the Act and the carrying out of its provisions according to their true intent. Regulations may be made prescribing tariffs of fees, forms for certificates of enrolment, etc., and prescribing terms and conditions relating to the issue, transfer, expiration and cancellation of certificates of enrolment. The minimum standards for eligibility for enrolment may be prescribed and periodic examinations of enrolled stallions may be required. The regulations may also require records to be kept and returns to be made and may prescribe requirements for posters and other advertising material used in connection with any stallion.

The majority of the changes effected by the enactment of this new Act are for the purpose of facilitating its administration and clarifying its intention. Much administrative detail which was formerly contained in the Act itself has now been left to be covered by regulations made by the Lieutenant Governor in Council.

This Act came into force on March 29, 1949.

**TEACHERS' RETIREMENT FUND ACT
AMENDMENT ACT**

(Chapter 97)

This Act amends *The Teachers' Retirement Fund Act*, being chapter 180 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by striking out paragraph (bb) which defines "salary" and by substituting a new definition of the term "salary". The new definition restricts the meaning of the term to the compensation or consideration payable to a teacher for the discharge of his regular duties in respect of his ordinary employment as a teacher. It includes bonuses or allowances applicable to his regular duties and ordinary employment but does not include compensation or consideration payable for services not forming part of his regular duties and ordinary employment. "Salary" as defined will not include remuneration for night or extra instruction or supervision of extra curricular activities or other services of a like nature. No contributions to the Pension Fund will be made in respect of such earnings.

Teachers employed by the Board of the Teachers' Retirement Fund are now brought within the provisions of the Act so that they may contribute to the Pension Fund and receive a pension in the same way as teachers employed by the Alberta Teachers' Association. Section 2 (c) (iv) and section 3 are both amended to accomplish this object.

The Fund is built up from teachers' contributions and employers' contributions. Teachers who contribute to the Teachers' Retirement Fund are employed by the Alberta Teachers' Association and by the Board of the Teachers' Retirement Fund. The Act is amended so that the Association and the Board as employers will make the normal deductions from the salaries of the teachers they employ and will also make the normal contributions to the Fund as employers of pensionable persons. Section 4 (1) is accordingly amended by the addition of a new paragraph (e) providing for contributions from the Alberta Teachers' Association and from the board of trustees of the teachers' Retirement Fund.

Section 5 (1) is amended by the addition of a new paragraph (d) providing that the Association and the Board of Administrators shall retain from the salaries of the teachers they employ the normal teachers' contributions in the same way as the board of trustees of a school division would do. Section 5 (1) is further amended to provide that teachers will contribute to the Fund for a maximum period of thirty-five years which corresponds to a similar provision in *The Public Service Pension Act*. At the end of thirty-five years of contribution the Board by whom the teacher is employed ceases to make deductions from the salary of the teacher and also ceases to make contributions in respect of that teacher. A new subsection (3) is accordingly added to section 5 to provide that the Board of Administrators of the Teachers' Retirement Fund shall give a notice in writing to the board of trustees of each school division setting out the name of each teacher employed by that board who has made contributions to the Fund for a total period of thirty-five years. A copy of this notice is also sent to the Department of Education.

The proviso to paragraph (a) of subsection (1) of section 5 is struck out and a new paragraph (bb) is added immediately after paragraph (b) in its stead. Paragraph (a) makes provision for the board of trustees retaining the teachers' contributions to the Pension Fund. Paragraph (b) provides for the retention by the Department of Education from school grants of a sum equivalent to the teachers' contributions which had been retained by the board of trustees under paragraph (a). In such case the Department pays the sum retained directly to the Board of Administrators of the Teachers' Retirement Fund. The new paragraph (bb) is an exception to this procedure. Under this paragraph the Minister of Education may authorize any board of trustees to pay the moneys retained by it under paragraph (a) directly to the Board of Administrators of the Fund. If that is done the Department does not retain anything under paragraph (b) from the amount payable as school grants. It is considered that this provision more appropriately follows para-

graph (b) rather than appearing as a proviso to paragraph (a) so the proviso is accordingly struck out and a new paragraph (bb) substituted in its stead.

Section 7 (1) is amended. This section presently requires the boards of trustees of all school districts and all school divisions, except rural school districts, to pay into the Fund one-half of one per cent of the total amount of salary earned by each of its teachers. The effect of the amendment is that the section now applies to all school districts and all school divisions including rural school districts which were previously not included. At present there are only about twenty small rural districts which do not contribute to the Teachers' Retirement Fund on behalf of the teachers they employ and it appears desirable that they should commence to do so.

Section 7 is also amended by the addition of a new subsection (4) providing that the Association and the Board of Administrators of the Teachers' Retirement Fund will pay the normal employers' contributions to the Fund in respect of the teachers they employ.

Section 9 (3) is amended. The purpose of the amendment is to change the year end of the Fund from the thirty-first day of August to the thirty-first day of December. The time at which the audited statement showing the standing of the Fund must be presented to the Department is also changed from the thirty-first day of December to the thirty-first day of March. These new dates are more convenient both to the Board of Administrators of the Fund and to the Provincial Auditor.

A new section 11 is added. Prior to the first day of April, 1948, the Government paid one-half of all pensions granted under the Act. At the 1948 session of the Legislature section 7a was added to the Act providing for a Government contribution of three and one-half per cent of the total salaries of all teachers contributing to the Fund. This government contribution was payable to the board of the school district or division employing the teachers, and the school board was required to remit

this contribution for deposit in the Fund. This arrangement was made in lieu of the Government continuing to assume the obligation to pay fifty per cent of all pensions to be granted to teachers after the first day of April, 1948. However, in respect of pensions already granted prior to the first of April, 1948, the Government obligation to pay one-half of those pensions was not intended to be effected. The new section 11 is intended to make this clear and it is retroactive to the first of April, 1948. The Government obligation under this section will be a continually decreasing one as the pensions granted prior to April, 1948, gradually cease to be payable.

Section 13 is amended by striking out the proviso. To assist the Teachers' Retirement Fund to get established, the Department of Education originally provided the Fund with free office space and free space for the storage of documents, files, etc. The Fund is now well established and self-sufficient and able to pay the costs of its own administration. The effect of this amendment to section 13 is to terminate the assistance from the Department of Education which is now no longer necessary.

This Act came into force on March 29, 1949, and the new section 11 added by section 7 of the amending Act is retroactive to April 1, 1948.

**TESTATORS FAMILY MAINTENANCE ACT
AMENDMENT ACT**

(Chapter 98)

This Act amends *The Testators Family Maintenance Act*, being chapter 12 of the Statutes of Alberta, 1947.

Section 2 is amended by substituting the Public Trustee for the Official Guardian.

Section 13 is amended by substituting the Public Trustee for the Official Guardian and the Administrator of Estates of the Mentally Incompetent as the person who will act on behalf of an infant or person of unsound mind under *The Testators Family Maintenance Act*. The Public Trustee appointed under *The Public Trustee Act* replaces the Official Guardian, the

Administrator of Estates of the Mentally Incompetent and the Public Administrators appointed pursuant to *The Judicature Act*.

Section 14 is amended so that the Public Trustee is the person referred to in this section, rather than the Official Guardian.

This Act is to come into force on July 1, 1949.

TOWN AND VILLAGE ACT AMENDMENT ACT

(Chapter 99)

This Act amends *The Town and Village Act*, being chapter 150 of the Revised Statutes of Alberta, 1942.

Section 2 (o) (i) is amended to broaden the definition of "parcel". The amendment brings within the definition a block which has not been subdivided into lots.

Section 16 (1) is amended by striking out the mandatory requirement for the posting of a notice in the post office. This is necessary as the Postmaster-General has refused to give a general authorization for the display in post offices of notices required by provincial statutes.

Sections 27 (3), 97 (5), and 358 are similarly amended.

Section 17 is amended by the addition of a new paragraph (d). The effect of the amendment is to require the ministerial order forming a village to contain a statement of the date and time when the first meeting of the council shall be held.

Section 56 (1) is amended by deleting the reference to a first election. The amended section will now only refer to a first meeting of the council after a general election. The date for the first meeting of the council after a first election will now be fixed by the ministerial order under section 17 as amended. A village may be organized at any time during the year. The statute required the first meeting of the council of such a village to be held on the first Monday in March, which it was seldom possible

to do. These amendments remedy this by enabling the first meeting of the council of a newly formed village to be held on a date to be fixed by the Minister's order.

A new section 73a is added immediately after section 73 of the Act. The new section enables the council of a town, with the approval of the electors, to provide for the appointment of a town manager who will exercise the executive and administrative duties of the council. A by-law providing for a town manager must first be approved by the Minister before it is advertised or voted upon by the electors. The town manager will be subject to the jurisdiction of the council and will carry out such executive and administrative duties as may be delegated to him by the council. The town manager may only be dismissed upon a majority vote of all the members of the council. The salary of the town manager will be fixed in the by-law providing for his appointment which is subject to the approval of the electors.

Section 74 is struck out and a new section is substituted. The new section requires the council to appoint an assessor not later than the first day of April in each year. Such an appointment may be disallowed by the Minister and in that case the council will appoint another person as assessor. In the event of a general assessment being required the council may by resolution requisition the Director of Assessments to do the assessment. The Director of Assessments then designates an assessor who will make the general assessment. Twenty-five per cent of the cost of any such general assessment will be paid by the Department of Municipal Affairs and the balance will be paid by the town or village upon receipt of the account from the Department.

Section 90 is struck out and a new section is substituted. The new section makes provision for a contributory superannuation or pension plan. The new section is similar to section 179a of *The Municipal District Act*. The section still provides for gratuities to officials upon retirement in the discretion of the council, which gratuities

shall not exceed the aggregate salary of the official for his last two years of service.

Section 123 is amended by the addition of a new subsection (3). The subsection provides for the reading at the annual meeting of the electors of the town or village of the latest Municipal Inspector's report on the affairs of the town or village.

Section 155 (1) is amended. The effect of the amendment is that any officer, member or employee of the corporation who is exercising a vote on behalf of a corporation must be twenty-one years of age.

Section 226 is amended by the addition of a new paragraph (v). This amendment enables the council to pass a by-law to regulate and control the use of public address systems.

Section 231 is struck out and a new section is substituted. The new section provides that a town or village which is not included in a municipal hospital district may enter into an agreement with any approved hospital for the hospitalization of the residents of the town or village. The expenses incurred under the agreement are to be raised by a special tax imposed and levied upon all property, trades, businesses and professions situated in the town or village and liable to assessment and taxation for municipal purposes.

Section 249 is amended by making changes in subsection (6), subsection 11 (c) and subsection (12) Rule 3. Rule 3 of the rules for determining residence found in subsection (12) has been changed so that any person who has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled by a local authority shall be deemed to be a transient person. The Department of Public Welfare is assuming responsibility for transient persons as defined in the new Rule 3 and subsection (6) and subsection (11) (c) are amended accordingly. The effect of these amendments is that the Department of Public Welfare assumes responsibility for the maintenance of indigents who are transients and for their care and treatment when sick.

Section 258 is amended by the addition of a new paragraph (w) enabling the council of a town or village to license bicycles.

Section 296 is amended by striking out all references to *The Social Services Tax Act* which Act has been repealed.

A new section 300 is added to the Act immediately after section 299. The new section provides for the levying of a minimum tax for hospital purposes similar to the minimum taxes for municipal purposes and for school purposes. The section which formerly provided for a minimum tax for hospital purposes was struck out in 1944. It is now being reinstated in a slightly different form.

Section 301 is amended to include a reference to the new section 300.

Section 308 of the Act is repealed. Section 308 of the Act provides for the offset of a tax on improvements against a business tax but the offset provision is confined to villages only. There is no provision made for this offset in the case of a town. There does not appear to be any reason why towns and villages should not be in the same position in this regard. The striking out of this section is in accordance with the recommendation in the Judge Report.

Section 317 is amended by striking out subsection (2) and substituting a new subsection. The amended subsection requires the insurer to notify the secretary-treasurer of the town or village in which any insured property is situated of its loss by fire as promptly as possible after notice of loss but in any event within forty-eight hours after receiving formal proof of loss under the policy. It is frequently impossible for the insurer, within forty-eight hours of notice of loss to send in the information which the subsection presently requires. However, it is possible for the insurer to do so when proof of loss has been filed. The effect of the amendment is that the insurer has to give the information within forty-eight hours of receiving proof of loss rather than within forty-eight hours of receiving notice of the loss.

A new section 334a is added immediately after section 334. It makes

provision for the cancellation of taxes which are no longer collectible and is similar to a provision which is already contained in *The Municipal District Act*.

Form O in the Schedule is amended. The amendment requires a person who is challenged at a poll to state that he is twenty-one years of age.

Form P of the Schedule is amended to require a representative of a corporation to state in his oath that he is of the full age of twenty-one years before voting on behalf of the corporation.

This Act came into force on March 29, 1949.

TOWN PLANNING ACT AMENDMENT ACT

(Chapter 100)

This Act amends *The Town Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942.

Section 10 (1) is amended so that municipal districts will also have power, subject to approval of the Minister, to appoint a Town Planning Commission.

Section 24 of the Act is amended. A new subsection (1a) provides that the period of eight weeks which presently must elapse between the advertising of an intention to amend a zoning by-law and the date of passage of the amendment is reduced to a period of thirty days. The amendment also provides that where a hearing is required and if the Minister so requires notice must be sent to each property owner affected, by registered mail, at least thirty days before the date set for hearing the representations of interested persons.

This Act came into force on March 29, 1949.

TRANS-CANADA HIGHWAYS ACT

(Chapter 101)

This is a new Act to be known as "*The Trans-Canada Highways Act*".

The Act enables the Lieutenant Governor in Council to enter into an agreement with the Government of the Dom-

inion providing for the construction, reconstruction and maintenance of trans-Canada highways and providing for the payment by Alberta of a portion of the cost incurred.

The Lieutenant Governor in Council is authorized to expend moneys not exceeding a total of two million dollars under any such agreement.

The Minister of Public Works is responsible for putting into effect the provisions of this Act.

This Act came into force on March 29, 1949.

TRUSTEE ACT AMENDMENT ACT

(Chapter 102)

This Act repeals sections 59 and 60 of *The Trustee Act*, being chapter 215 of the Revised Statutes of Alberta, 1942.

Sections 59 and 60 of *The Trustee Act* are no longer a necessary part of that Act in as much as the sections being repealed have been incorporated in *The Public Trustee Act*, a new Act which is intended to consolidate in one Act provisions which were formerly found in *The Official Guardian Act*, *The Estates of the Mentally Incompetent Act*, *The Judicature Act* and *The Trustee Act*.

This Act is to come into force on July 1, 1949.

UNIT OPERATION OF MINERAL RESOURCES ACT AMENDMENT ACT

(Chapter 103)

This Act amends *The Unit Operation of Mineral Resources Act*, being chapter 69 of the Revised Statutes of Alberta, 1942.

Section 3 of the Act is amended by substituting for the Minister of Lands and Mines, the Minister of Mines and Minerals as the person charged with the administration of this Act.

This Act came into force on April 1, 1949.

**VEHICLES AND HIGHWAY TRAFFIC ACT
AMENDMENT ACT**

(Chapter 104)

This Act amends *The Vehicles and Highway Traffic Act*, being chapter 275 of the Revised Statutes of Alberta, 1942.

Section 2 (a) is amended. This paragraph defines the term "Chauffeur". The purpose of the amendment is to exempt certain persons from the necessity of having chauffeurs' licenses. The persons exempted by the amendment are farmers or their employees who drive or operate farm vehicles used principally for the transportation of the property of the farmer. Also exempted are owner-operators of commercial vehicles.

A new paragraph (gg) is added in section 2 immediately after paragraph (g). This paragraph introduces a definition of the term "Motor cycle" which is defined as including in addition to motor cycles, scooters and power bicycles.

Section 2 (h) is amended. This paragraph defines the term "Motor vehicle" and the purpose of the amendment is to make it clear that a rubber-tired tractor is not a motor vehicle within the meaning of the Act.

Section 12 is struck out and a new section is substituted. The present section requires the registration of vehicles of non-residents which are being operated temporarily within the Province by a notification given by the operator of the vehicle to a detachment of the police. This requirement is struck out and the substituted section states that every non-resident whose motor vehicle is licensed in accordance with the laws of his place of residence shall be deemed to be registered within the meaning of this Act.

Section 15 (2) is amended. The purpose of the amendment is to make it clear that the age limit of sixteen years for a driver's license does not apply to scooters or power bicycles.

A new subsection (2a) is added immediately after subsection (2) of section 15 which permits the issue of a

driver's license for a scooter or a power bicycle to any person of the age of fourteen years or over.

Section 15 (4) is amended. The purpose of the amendment is to require the consent of the parent or guardian of any person under the age of eighteen and over the age of fourteen who is applying for a driver's license.

Section 32 (2) is amended. The purpose of the amendment is to make it clear that although a scooter and a power bicycle is required to carry a headlamp at the front and a tail lamp at the back, the lamps on these types of motor cycle do not need to conform in every respect to those required to be carried on other motor vehicles.

Section 32 (7) is amended. This subsection requires the dimming of headlights when vehicles approach one another from opposite directions. The distance presently prescribed is two hundred yards. Headlamps on modern vehicles are becoming more powerful and of longer range. Tests have been conducted by the Royal Canadian Mounted Police and the result of these indicate that safety requires the dimming of headlights at four hundred yards. Subsection (7) is amended accordingly.

Section 35 (2) is amended. This subsection prohibits any motor vehicle, with certain exceptions, from having any red or flashing light visible from the front of the vehicle. One of the exceptions provided for was clearance lights. As regulations under *The Public Service Vehicles Act* now prohibit red clearance lights visible from the front this section is amended accordingly.

A new section 42a is added which enables the Lieutenant Governor in Council, in respect of any designated highway or portion of the highway, to fix a maximum speed limit applicable to vehicles travelling over that highway or portion of the highway. If the Lieutenant Governor in Council makes an order prescribing a restricted speed limit the order is required to be published in *The Alberta Gazette* and the Minister of Public Works is required to erect signs along the highway notifying users of the highway of the maximum speed

limit so fixed. The purpose of this amendment is to permit restricted speed limits where, due to the congestion of traffic or the nature of traffic, or other extraordinary circumstances, the maximum rates of speed provided by the Act are not satisfactory.

Section 43a is amended by striking out subsection (1) and substituting a new subsection. The effect of the amendment is that any engineer employed by the Department of Public Works may make an order in writing fixing a maximum speed limit in respect of any designated highway or part of a highway which is under construction or repair.

A new subsection (4) is added to section 43a which provides that in any prosecution under section 43a an order in writing purporting to be signed by the Minister of Public Works or by any engineer employed by the Department of Public Works shall be admissible in evidence without proof of the signature and shall be *prima facie* evidence that the order fixing a maximum speed limit was made.

Section 48 (2) is amended by deleting the words "having regard to all the circumstances of the case". These words have the effect of nullifying attempts made to enforce the section. The section as amended requires any person driving a motor vehicle, when he is being overtaken by a motor vehicle on which a siren is being sounded, to bring the vehicle he is driving to a stop at the right hand side of the highway as soon as is reasonably possible.

Section 58 (1) requires the driver of a motor vehicle to return to the scene of an accident. However, the section is presently restricted to accidents occurring on a public highway. The effect of the amendment is to make the section applicable irrespective of whether the accident occurs on a public highway or not.

Subsections (2) and (6) of section 58 are each amended by striking out the minimum property damage figure of twenty-five dollars and substituting seventy-five dollars. The price of motor vehicle repairs has risen greatly

resulting in an increase in the number of accidents which must be reported under the Act. Most motorists are financially responsible for judgments up to seventy-five dollars and it is unnecessary for the Act to apply to accidents involving property damage which is apparently less than that amount.

Two new sections have been added immediately after section 67a.

The new section 67b provides that no person under the age of sixteen years shall drive any scooter or power bicycle unless its motor is governed so that it is unable to attain a speed in excess of twenty miles an hour.

The new section 67c provides that persons driving rubber-tired tractors on any highway shall observe the rules of the road contained in Part IV and every tractor so equipped shall be deemed to be a motor vehicle within the meaning of Part IV.

Section 111 is amended to clarify the intention of the section. Some magistrates have considered that the present wording compelled them to impose both fine and imprisonment upon conviction under this section. The purpose of the amendment is to make it clear that the magistrate may impose either a fine or imprisonment or both.

A new subsection (2) has been added to section 113 providing for the indorsation on conviction of the license of a driver from outside of the Province. The new subsection provides that the judge, police magistrate or justice of the peace making the conviction may prohibit any such person from driving in the Province either permanently or for such period as may be stated in the order. Subsection (3) makes it an offence for any such person to drive during the period when he is prohibited from driving by an order made under subsection (2).

Section 124 is amended by striking out the references to twenty-five dollars and substituting seventy-five dollars for the same reasons as similar amendments were made to subsections (2) and (6) of section 58.

A new section 124a is added immediately after section 124. This sec-

tion implements Recommendations Nos. 4 and 5 of the Report of the Special Committee of the Legislature which investigated all phases of automobile insurance. Subsection (1) of this new section provides that the Minister shall suspend the driver's or chauffeur's license of any person for a period of six months who is convicted for the second time within a period of twelve months, each of which convictions in the opinion of the Minister arose from or in connection with a motor vehicle accident which resulted in bodily injury to or the death of any person or damage to property in an amount exceeding one hundred dollars. Subsection (2) requires the Minister to suspend the driver's license of any person for a period of twelve months who has been found guilty of operating a motor vehicle while intoxicated. Subsection (3) requires every magistrate to forward to the Minister the driver's or chauffeur's license of any person who he convicts of an offence arising from a motor vehicle accident resulting in bodily injury to or the death of any person or damage to property in an amount exceeding one hundred dollars and who has a previous conviction indorsed upon his license. The magistrate is also required to forward to the Minister the license of any person found guilty of operating a motor vehicle while intoxicated.

Section 132 is amended by the addition of a new subsection (2). Section 132 of the Act presently provides that a judgment debtor under the Act may apply to the court for the privilege of paying his judgment in instalments upon giving due notice to the judgment creditor. The new subsection (2) provides that where the Provincial Treasurer has paid the judgment from the Unsatisfied Judgment Fund the notice of the application to pay the judgment in instalments shall be served upon the Superintendent of Insurance, and either the Superintendent or the Provincial Treasurer may be represented on the hearing of the application.

This Act came into force on March 29, 1949.

WAREHOUSE RECEIPTS ACT

(Chapter 105)

This is a new Act.

In mercantile usage a practice has grown up of issuing warehouse receipts which are dealt with as documents of title. Both negotiable and non-negotiable receipts are issued and used. In many of the States of the United States of America statutory provisions have been introduced governing the rights and liabilities incurred by the use of these warehouse receipts.

The Conference of Commissioners on Uniformity of Legislation in Canada gave consideration to this matter and decided that it would facilitate business practice if uniform laws on this subject were adopted throughout Canada. A uniform Act was prepared and drafted in 1945 and recommended to all of the provinces for enactment. It has already been adopted by British Columbia, Manitoba, New Brunswick and Ontario.

This Act codifies the rights and obligations of parties dealing with warehouse receipts, whether negotiable or non-negotiable. Warehouse receipts are transferred from person to person as though they were documents of title and they thereby assist in the financing, production and distribution of natural products and manufactured goods throughout the chain of distribution from manufacturer or producer to retailer.

The Act establishes what form warehouse receipts shall take and what particulars they shall contain. The Act establishes the duties and liabilities of warehousemen in issuing warehouse receipts. The warehouseman is required, in the case of a negotiable receipt, to deliver the goods referred to in the receipt to the bearer of the receipt upon demand. The warehouseman is justified in delivering to the person in possession of a negotiable receipt. Such receipts are cancelled on delivery of the goods or partially cancelled on delivery of part of the goods. The warehouseman's liability for the care of goods is set out in the Act.

Special provisions are made relating to perishable and hazardous goods.

Ordinarily, negotiable receipts are negotiated by delivery or by indorsement depending on the nature of the receipt. Goods covered by a non-negotiable receipt may be transferred by delivery to a purchaser of a transfer in writing, a copy of which is given to the warehouseman who is not bound to deliver to the transferor until he has received notice of the transfer. The rights of purchasers of goods by means of a transfer of a non-negotiable receipt are set out. The rights of a person to whom a negotiable receipt has been negotiated are also dealt with in the Act. The Act establishes certain warranties which are made by any person selling a warehouse receipt unless a contrary intention appears or is expressed.

Indorsers do not become guarantors. In certain cases the negotiation of a receipt is not impaired by fraud, mistake or duress.

Railways, express companies, and grain elevator companies have been expressly exempted from the provisions of this Act as they are governed by Dominion legislation and it is not intended to affect their operations.

The provisions of the Act do not apply to warehouse receipts made and delivered prior to the first day of April, 1949, which is the date upon which the Act comes into force.

The passage of this Act has been requested by the Canadian Warehousemen's Association and by warehousemen carrying on business in Alberta who are of the opinion that this legislation will facilitate business and will have beneficial results on commercial enterprises generally.

This Act came into force on April 1, 1949.

WATER RESOURCES ACT AMENDMENT ACT

(Chapter 106)

This Act amends *The Water Resources Act*, being chapter 65 of the Revised Statutes of Alberta, 1942.

Section 2 of the Act is amended by extending the definition of "provincial

lands" to include lands under the control and management of the Department of Lands and Forests, the Department of Mines and Minerals and the Department of Municipal Affairs.

Section 12 of the Act is amended because as a result of instructions issued by the Postmaster-General the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from this section of the Act.

Section 36 (6) of the Act is amended by adding the word "of" which was inadvertently omitted when the section was enacted.

Section 45 (1) is amended. It presently refers to *The Provincial Lands Act* which is being replaced by a new Act, *The Public Lands Act*, and the necessary change is made to have this section refer to *The Public Lands Act*.

Section 61 (3) of the Act is amended by substituting the Minister of Lands and Forests for the Minister of Lands and Mines. This change arises out of the creation of the new Department of Lands and Forests and Department of Mines and Minerals which replace the Department of Lands and Mines.

This Act came into force on April 1, 1949.

WATER USERS' DISTRICTS ACT AMENDMENT ACT

(Chapter 107)

This Act amends *The Water Users' Districts Act*, being chapter 105 of the Revised Statutes of Alberta, 1942.

Section 7 (1) of the Act is amended by deleting the reference to a post office because, as a result of instructions issued by the Postmaster-General the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from this section of the Act.

This Act came into force on March 29, 1949.

WILD LANDS TAX ACT REPEAL ACT

(Chapter 108)

This Act repeals *The Wild Lands Tax Act*, being chapter 61 of the Revised Statutes of Alberta, 1942.

The repeal of this Act is recommended in the Report of the Royal Commission on Taxation.

The Wild Lands Tax Act provides for the imposition of a tax at the rate of two cents per acre on all wild lands throughout the Province. This tax is collected through the municipal districts and the improvement districts and paid monthly to the Minister of Municipal Affairs. The municipal districts receive a commission of five per cent for collection. The revenues derived from the collection of this tax have been very small and its imposition has occasioned a good deal of complaint. Having regard to the cost of administration of the Act and the collection of the tax the revenue derived from the tax does not appear to be adequate to warrant the continued collection of it. Pursuant to the recommendation contained in the Judge Report the Act is accordingly repealed.

Provision is made in the repealing Act for the collection of arrears of taxes levied prior to the first day of January, 1949. It also provides that any arrears collected on or after the thirty-first day of March, 1949, shall be retained by the municipal district or improvement district which levied and collected the taxes.

This repealing Act came into force on March 29, 1949, and is retroactive to January 1, 1949.



